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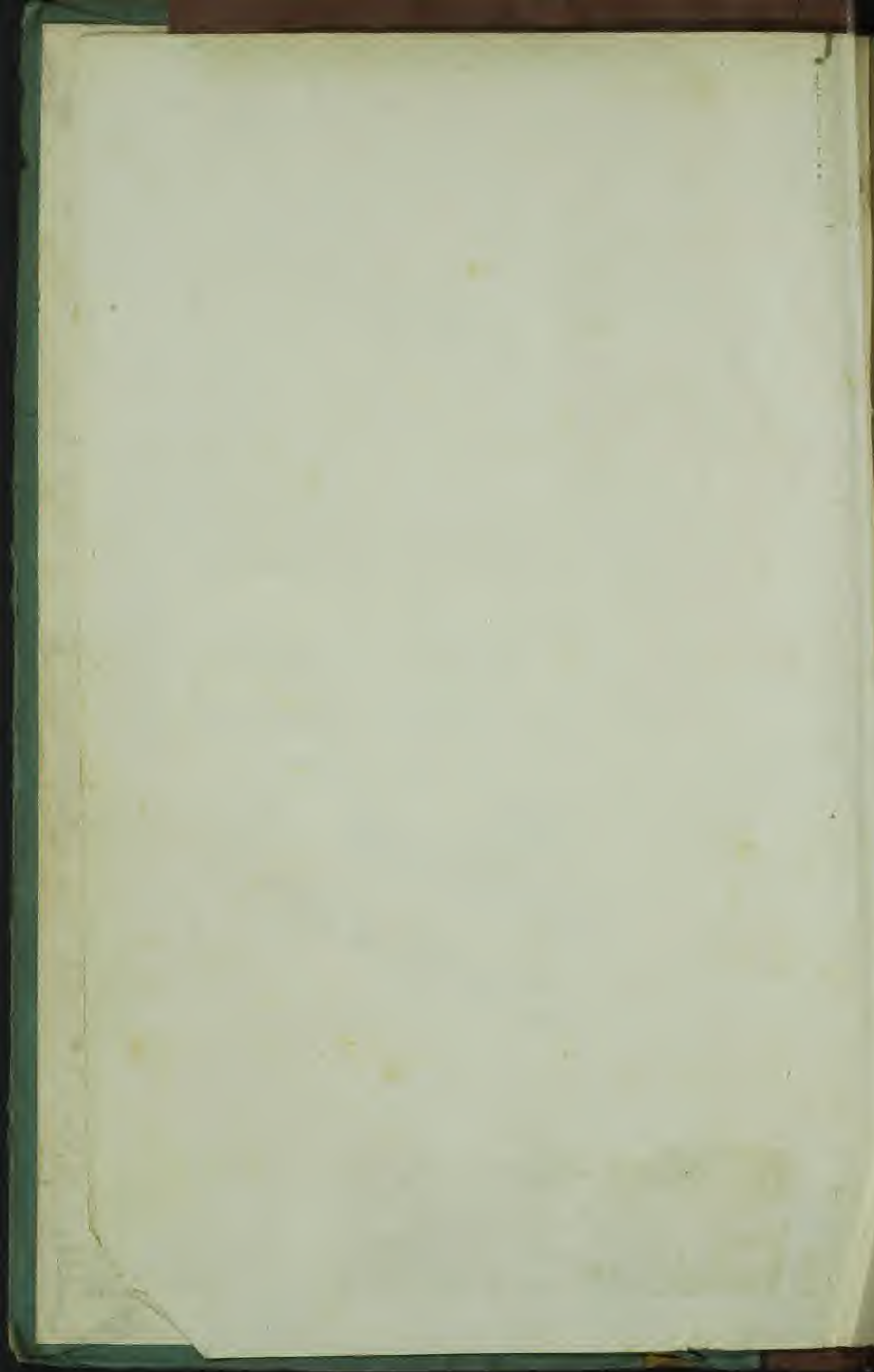
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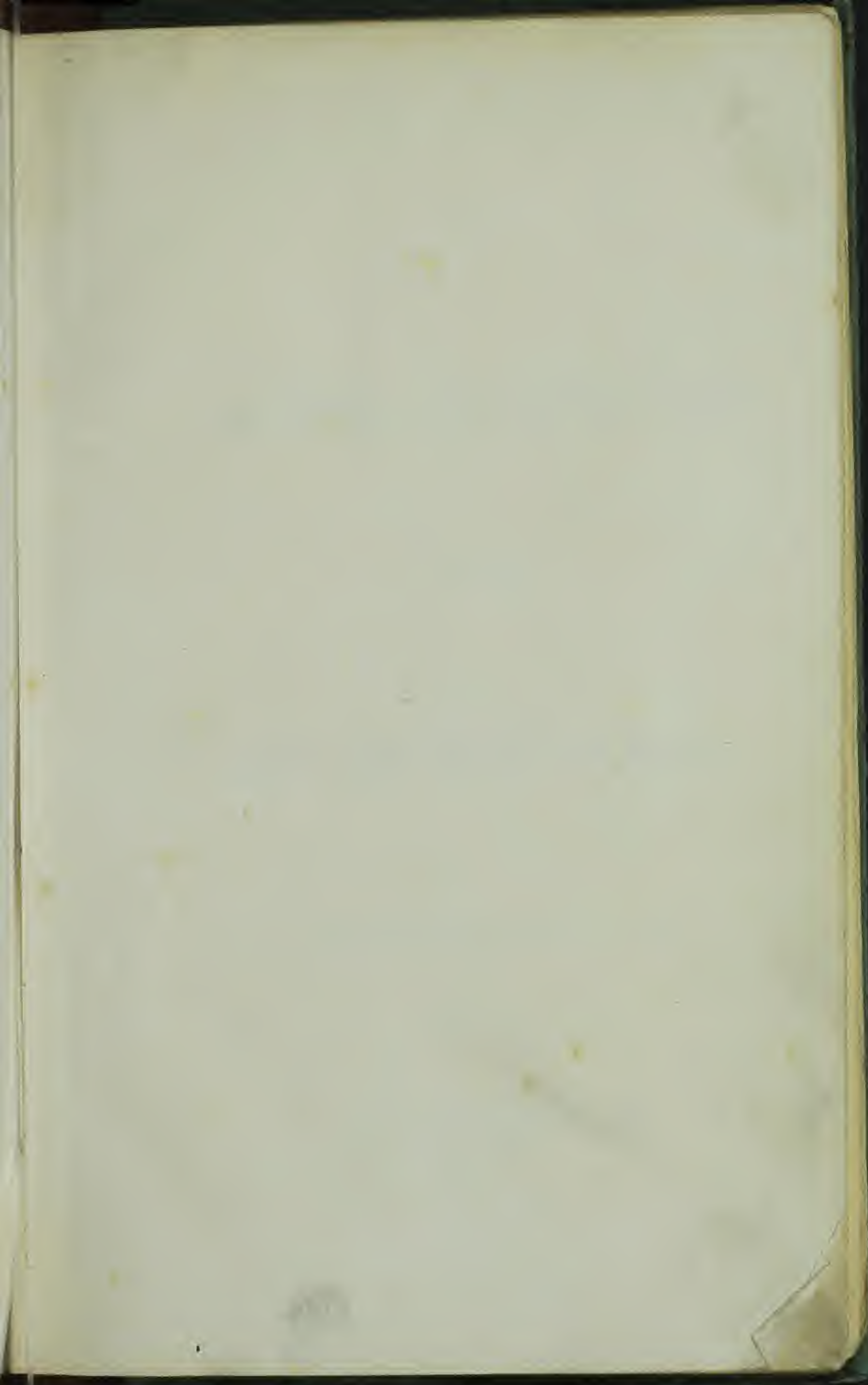
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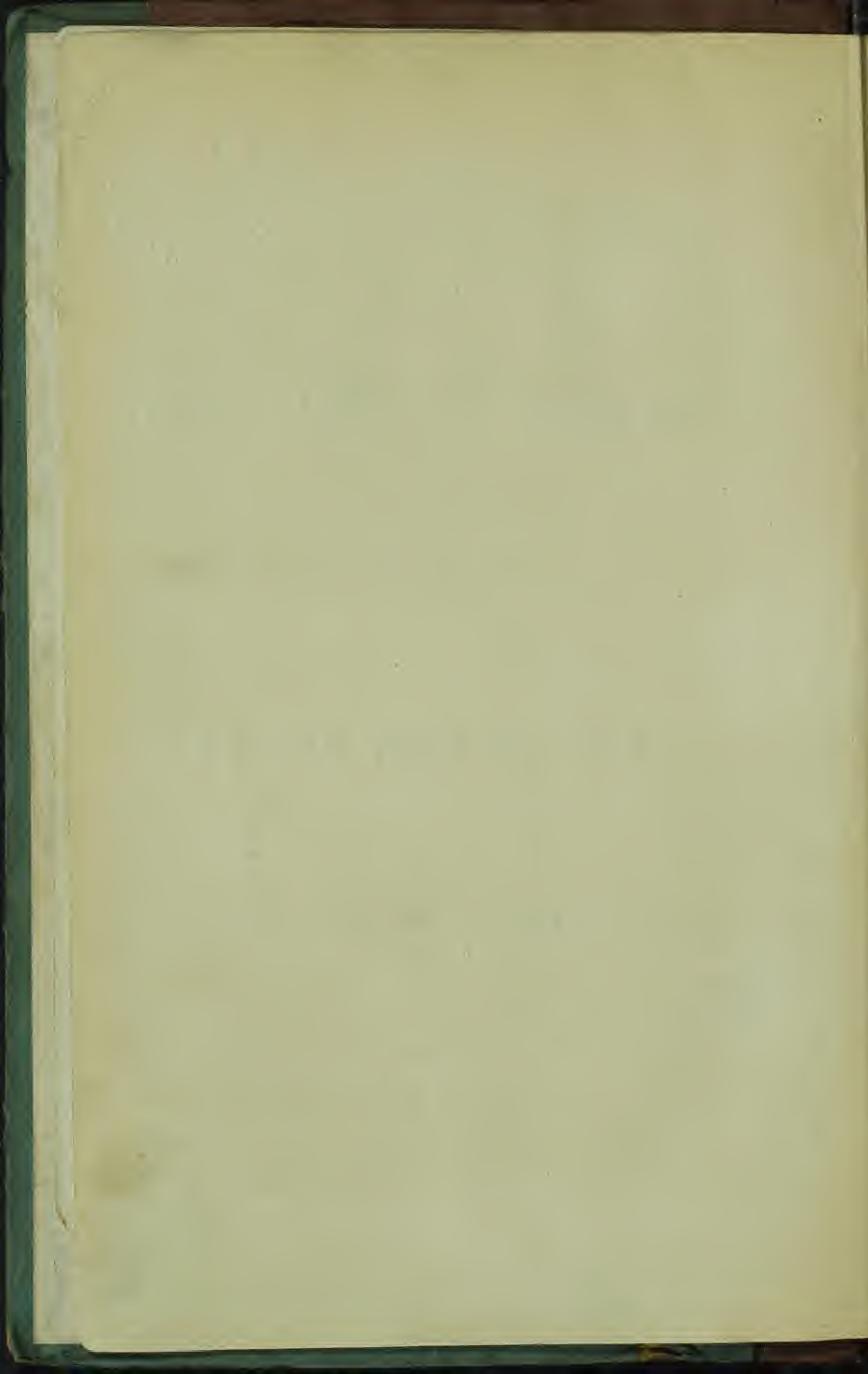




THE
CHARTER AND ORDINANCES
OF THE
CITY OF NEW ALBANY.

CHARTER ADOPTED MARCH 7, 1853.

NEW ALBANY, IND.
M. GREGG & SONS, CITY PRINTERS
1853.



CITY CHARTER.

AN ACT FOR THE INCORPORATION OF CITIES.

[APPROVED, JUNE 18, 1852.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all towns ^{Towns of 3,000 inhabitants may be incorporated cities.} having a population of three thousand souls and upwards, shall, in addition to the powers they already possess, by virtue of their incorporation, upon complying with the provisions of this act, be incorporated cities with the rights and privileges herein conferred.

SEC. 2. Whenever one third of the voters of ^{Census to be taken.} any incorporate town, so far as the number can be estimated, shall petition the board of trustees thereof, to be incorporated as a city, such board by an order or resolution to that effect entered upon their order book, shall direct the marshal by a proper warrant, furnishing him with the necessary forms, to take the census of all persons who were residents within the corporate limits of such town, at least forty days anterior to the date of such order or resolution.

SEC. 3. The marshal, with the concurrence of ^{Marshal to make return in 60 days.} said board of trustees may appoint assistants, and shall within sixty days from the time of receiving such warrant, make full return under oath to said board, of the resident population in such town as aforesaid.

SEC. 4. If the return shall show a population ^{Notice of opening of a poll.} of three thousand persons or more, the trustees within ten days thereafter, shall publish a notice to the voters of such town, as in other corporation elections, stating that on a day and at a place

therein named, a poll will be opened to determine whether such town shall be incorporated as a city.

Officers of election, and ballot box.

SEC. 5. The trustees shall appoint three reputable voters in each ward, one to act as inspector, and two as judges of election therein, and the persons thus appointed shall choose a clerk of such election. Such trustees shall also procure and deliver to such inspector, at least one day prior to such election, a ballot box, which shall thereafter be retained in such ward. If such inspector or judges, or either of them or the clerk, after appointment and acceptance thereof, neglect or refuse to serve, such inspector or clerk, shall forfeit and pay for the use of such city any sum not exceeding fifty dollars, which shall be recoverable in an action of law; and the electors being met on the day appointed, may choose by voice such inspector, judges, or clerk, as may be necessary to organize the board.

Election, and return thereof.

SEC. 6. Such election shall be governed by the same rules as other corporation elections; and the ballots of the voters shall have thereon the word "yes" or the word "no;" and if a majority of the ballots given at such election have thereon the word "no," the voters of such town shall be deemed not to have consented to its incorporation as a city, and no further proceedings shall be had in relation thereto; but if a majority of such ballots shall have thereon the word "yes," the inspectors shall make a statement showing the number of votes given, the number having the word "yes," and the number having the word "no" thereon; and such statement shall have attached thereto the affidavit of such trustees verifying the truth of the same, and within five days after such election, shall be filed in the office of the clerk of the circuit court of the proper county. The clerk shall make a record thereof, for which he shall receive the same fee as is paid him for like services in other cases.

Record of return conclusive evidence of incorporation.

SEC. 7. Such town shall thereafter be deemed an incorporated city with the powers and franchises appertaining thereto, and the record in the office of the clerk as aforesaid shall be held in all courts as conclusive evidence of such incorporation in any suit pending therein.

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SEC. 8. The trustees of such town shall within ^{Wards.} five days after the filing of such statements, divide the city into not less than five wards; but no ward shall contain less than 400 inhabitants; and they shall also, within the time aforesaid, cause to be given to the voters thereof, ten days' notice by publication in one or more newspapers printed in such city, and by posting copies of the same, in three public places in each ward, that an election will be held in each of the several wards on a day at the places therein named for the election of the city officers specified in such notice.

SEC. 9. There shall be chosen at such election, ^{Officers of the city.} and on the first Tuesday in May of each year, thereafter, a mayor, two councilmen from each ward, by the voters thereof, a clerk, assessor, treasurer, civil engineer, street commissioner, and marshal, who shall hold their respective offices one year, and until their successors are chosen and qualified. If in the opinion of the common council the interests of the city require a city attorney, such officer shall be elected for the same term and in the same manner.

SEC. 10. Before the opening of the polls on the ^{Oath of officers of election.} day of such election, the inspector and judges thus appointed, and the clerk, shall each and severally be sworn by an officer authorized to administer oaths to the faithful discharge of their respective duties as officers of such election.

SEC. 11. All elections of such cities shall be ^{Laws governing elections.} governed by the laws in force regulating township and other elections, and the voters therein shall have the like qualifications and be subject to the same restrictions and liabilities.

SEC. 12. When the poll of any such election is ^{Canvass of votes.} closed, the inspector and judges thereof in each of said wards, shall immediately proceed to canvass the votes there given, and shall make out under their hands a statement specifying the number of votes each person voted for has received, and the office he was designated thereby to fill, and said statement, together with the poll list and one of the tally papers, shall be deposited with the inspector,

or if unable to further serve, then with one of the judges selected by such board of election.

Determination
of election by
inspectors.

SEC. 13. The inspector named in such appointment, if at the first election, or the inspector appointed as hereinafter provided, if at a subsequent election of the several wards, shall, on the day next following the same, meet at the common council room; and upon an inspection of the statements aforesaid, determine the persons having the highest number of votes for each of the several offices voted for, and thereupon shall make and sign a certificate setting forth the names of the persons voted for, and for what office; the whole number of votes given for each of the several offices, and the person having the highest number therefor, and shall declare the persons elected to the same. Such certificate shall be filed with the clerk of the corporation: Should two or more persons have an equal and the highest number of votes for the same office, such board of inspectors shall certify the fact to the trustees or common council, as the case may be, who shall immediately give notice as in other elections, for a new election, specifying the office to be filled thereby, the ward, if a councilman, in which the poll is to be opened.

Clerk to notify
person elected.

SEC. 14. It shall be the duty of the clerk of such municipal corporation, within twenty-four hours after filing the certificate of the board of inspectors in his office as provided in the preceding section, to notify, either by personal service or by leaving a copy of the same at the usual place of residence, each and all of the persons elected to fill the said offices.

Penalty against
persons failing
to serve.

SEC. 15. Any person thus elected, who shall not, within five days after being notified of the same, take and subscribe the oath of office, before some proper officer, and file the same with the clerk of such corporation, shall be deemed as having refused to serve, and shall forfeit for the use of such city therefor the sum of ten dollars.

Appointment of
inspectors,
judges, and
clerk.

SEC. 16. The common council shall for every subsequent election appoint, by resolution, an inspector and two judges therefor, in each of the several wards of the city; but the persons thus ap-

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pointed shall be residents and voters of such ward, and when convened as a board of election, shall choose the clerk thereof.

SEC. 17. Vacancies in the office of mayor, clerk, or councilman, occurring in any manner, may be filled by special election ordered by the common council, and conducted in the same manner as at the annual election therefor. Vacancies in all other offices shall be filled by the common council.

Vacancies.

OF THE POWERS AND DUTIES OF THE CITY OFFICERS.

SEC. 18. It shall be the duty of the mayor to see that the laws of this State, and the by-laws and ordinances of the common council be faithfully executed; he shall be a conservator of the peace, and as such shall have within the city limits the powers conferred upon sheriffs of counties, for that purpose; to exercise supervision over subordinate officers, and examine all complaints for official neglect or misconduct; to recommend to the common council such measures as he deems for the public good. He shall sign all commissions, licenses, and permits, granted by the common council, and shall perform such other duties as the nature of his office requires. He shall have the custody of the corporate seal, and may take and certify under the same the proof and acknowledgements of deeds and other instruments of writing, which shall be good in any court of this State without further authentication. He may also take and certify depositions and affidavits, and the same shall be of the like force and effect in any court aforesaid. He shall have within the limits of such city the jurisdiction and powers of a justice of the peace in all matters, civil and criminal, arising under the laws of this State, and for crimes and misdemeanors, his jurisdiction shall be co-extensive with the county. He shall have exclusive jurisdiction of all prosecutions for violations of the by-laws and ordinances of the city. In all other respects he shall perform the duties of a justice of the peace, and shall be entitled to the same fees. He shall give bond payable to the State of Indiana in any penal sum not less than three thousand dollars, to be approved by

Powers and duties of mayor.

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the clerk of the circuit court, with freehold security, conditioned for the faithful performance of his duties as mayor, and all other duties herein required, and file the same with the clerk of the circuit court of the proper county within the time directed by law for justices of the peace. He may in addition to his fees herein provided, receive such salary payable quarterly, as the common council shall, by resolution, order and direct.

shall keep a docket.

SEC. 19. The mayor shall keep a docket as justices do, and in case of his absence from the city for the space of five days, or of inability in consequence of sickness or other cause for a like period, shall prior to his departure in the first case, or at the expiration of five days in the latter instance (if his inability still continue) deposit or cause to be deposited his docket with any justice of the peace within said city; such justice shall, during the mayor's absence or disability, be invested with and exercise the judicial powers and authority of said mayor, and be entitled to his fees and emoluments therefor.

In case of vacancy in the office of mayor by death, resignation, or otherwise, the council shall deposit the mayor's docket in the hands of some justice in said city, who shall act as, and have all the powers of the mayor until such vacancy can be supplied by special election; and the official bond of such justice shall extend to and embrace all his acts while acting as mayor.

SEC. 20. The clerk shall have the custody of all books and papers belonging to such municipal corporation. He shall make record of all proceedings of the common council, whose meetings it shall be his duty to attend. Copies of papers, and transcripts from the records, certified by him under the corporate seal, shall be evidence of the matters therein contained in all courts of this State, and he shall be entitled therefor, except when ordered by the city council, the same fees as are allowed to the clerk of the circuit court for similar services. He shall countersign all licenses, permits, treasury warrants, and all other official papers of the common council, directing acts to be done or duties performed.

SEC. 21. The assessor shall, before the first Monday of June, in each year, unless otherwise directed by the common council, make out a full and fair list of all persons and property liable by law, to taxation, arranging the names in alphabetical order, and setting opposite each name in appropriate columns, the real and personal property assessed, with the description and value thereof.

He shall make out a separate list of such other property or thing as the common council shall, in their by-laws, direct to be specifically taxed.

Said assessment roll shall be completed at the time above indicated, and return made thereof to the clerk of the city, unless by an order of the common council, further time be given him. He may, with the concurrence of the common council, appoint one or more assistants who shall be sworn in like manner as other officers to well and faithfully perform the duties thereof. Such assessor and assistants shall have the same powers, and be subject to the same provisions of the same law, as the assessors for the listing of real and personal property for State and county purposes.

SEC. 22. It shall be the duty of the street commissioner, under the direction of the common council, to superintend the streets, alleys, market spaces, landings, the construction, repairs, cleansing and lighting the same, the building of sewers and drains, the purchase of the necessary implements of labor, and the employ of laborers, and shall perform all other duties incident to his office.

SEC. 23. The marshal of such city shall be the chief ministerial officer of the corporation, and is hereby invested with the powers of a constable therefor. He shall execute and return all processes directed to him by the mayor, and shall attend the sittings of his court. Such processes may be served by himself or deputy in any part of the county.

He shall suppress all riots, disturbances, and breaches of the peace, and apprehend persons guilty of the same. With the consent of the common council he may appoint one or more deputies, being responsible for the correct discharge of their duties.

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Duties of Treasurer.

SEC. 24. The treasurer, in addition to the duties hereinafter prescribed, shall receive all moneys belonging to the city, and keep an account of all receipts and expenditures, in such manner as the common council shall direct. All moneys paid by him as treasurer, shall be drawn in pursuance of an order of the common council, signed by the mayor, or presiding officer, and countersigned by the clerk. He shall exhibit to the common council, at least fifteen days before any annual election, a full account of receipts and expenditures since last report and the condition of the treasury.

Duties of civil engineer.

SEC. 25. The civil engineer shall prepare plans, specifications and estimates, when thereto directed by the common council, of proposed public improvements; and shall superintend the opening of streets and the preservation of the true lines thereof, and perform all other duties appertaining to his office.

Duties of other officers.

SEC. 26. All other officers elected or appointed, shall perform the duties incident to their respective offices, as required by this act and the by-laws and ordinances of such city, made in pursuance thereof.

Official bonds.

SEC. 27. The clerk, assessor, street commissioner, treasurer, and marshal, before entering upon the duties of their respective offices, shall each execute a bond to the State of Indiana in such penal sums, and with such sureties as the common council shall direct and approve, conditioned for the faithful performance of duty, and the payment of all moneys by them received according to law, which shall be filed with the clerk; except such clerk's bond, which shall be filed with the treasurer of the city. The bond of the treasurer shall be in double the amount [of] the estimated tax duplicate of the current year.

THE COMMON COUNCIL, ITS POWERS AND DUTIES.

Common council, when to meet, &c.

SEC. 28. The mayor and councilmen of such city shall constitute the common council; and shall meet within ten days after the annual election, and at such other times as they shall by resolution direct. The mayor shall preside, or if absent, one

of the councilmen chosen therefor. The mayor shall have a casting vote when a tie, but not otherwise.

SEC. 29. The common council shall hold stated meetings at least twice in each month, and the mayor, or any five councilmen may call special meetings, a majority of all the members to which the wards are entitled shall be a quorum, and the minutes of every such meeting shall be kept by the city clerk, which shall be open to public inspection. Regular meetings, quorum, minutes, &c.

SEC. 30. At every such annual meeting, the common council shall appoint, by ballot, a chief engineer of the fire department and two assistants, three commissioners to form a board of health, a sealer of weights and measures, and as many supervisors of streets, to act under the direction of the street commissioner, as shall be necessary, and all other officers which the by-laws may create or require. Fire department, board of health, sealer of weights and measures, and supervisors.

SEC. 31. Each city council shall cause to be provided a corporate seal; around the margin of which shall be the name of the city, and in the centre thereof the words "city clerk," which shall be affixed to all transcripts, orders or certificates needing authentication. Corporate seal.

SEC. 32. The common council shall be commissioners of excise in and for such city; all licenses granted by said council shall be signed by the mayor and attested by the clerk, and all penalties imposed for the violation of any by-law or ordinance shall be prosecuted by them, and when recovered shall be paid to the treasurer of the city. Excise, licenses and penalties.

SEC. 33. They shall have power to keep open and preserve the course of rivers and streams passing through or bordering upon the corporate limits of and such city; to prevent encroachment or injury to the banks thereof, or casting into the same offal, dead animals, logs, or rubbish. To keep open, &c., streams.

SEC. 34. They may take down any building or other structure liable to fall, and endangering life or property, if the owner or agent thereof, after five days' notice, fails to repair or remove the same; and the owner of such premises shall be liable to To take down buildings liable to fall.

an action for the expenses of the removal of the building or structure.

Finances, real
and personal
property, by-
laws and ordi-
nances.

SEC. 35. They shall have the management and control of the finances of the city, and of all property, real and personal, belonging thereto; and shall have the additional powers herein provided, and may make and publish by-laws and ordinances necessary to enforce the same. The common council shall have power to pass ordinances:

First. To regulate or prohibit the use of hand organs, or instruments of an annoying character, or other music of itinerant performers in the streets, lanes, alleys, or public places of the city.

Second. To fill up or drain grounds whereon water has or may become stagnant, at the expense of the owner thereof.

Third. To prevent and regulate the use of fire-arms, fire works, or other sports, or other thing or practice tending to endanger person or property.

Fourth. To direct the location of tallow chandleries, soap factories, and other buildings or structures, and prohibit the erection of such buildings, or the continuance of noxious trades or business therein, whenever the health or welfare of the city shall require the same.

Fifth. To establish cemeteries or burial places within or without the city limits, and to provide for the sanctity of the dead.

Sixth. To establish quarantine regulations.

Seventh. To preserve peace and good order, prevent vice and immorality, and quell riots and disorderly assemblages.

Eighth. To establish and regulate the police of the city.

Ninth. To suppress gaming, and gaming houses, and houses of ill fame; to prohibit and destroy instruments and devices for gaming, and restrain fraudulent practices within said city.

Tenth. To compel the owner or occupant of any building that is filthy or unwholesome, to cleanse and abate the same.

Eleventh. To direct the location of markets and slaughter houses.

Twelfth. To regulate and restrain theatrical

exhibitions, public shows, and other exhibitions, for which money is demanded and received; provided that lectures on scientific, historic, benevolent, or literary subjects, and the apparatus for the elucidation of the same, and specimens of the fine arts, shall not be deemed within the provisions of this section.

Thirteenth. To prevent immoderate driving or riding, and cause the person guilty of the same to be stopped thereat, by any citizen of such city.

Fourteenth. To prevent the encumbering of streets, squares, sidewalks and crossings, with vehicles or any other substance or materials whatever, interfering with the free use of the same.

Fifteenth. To regulate the time and places of bathing in the rivers, or other public waters of such city.

Sixteenth. To restrain and punish vagrants, mendicants, street beggars, and common prostitutes.

Seventeenth. To impound cattle, horses, swine, or other animals running at large, and sell the same for the penalty and costs of keeping.

Eighteenth. To prevent the deposit of any unwholesome substance within the city limits, and punish persons guilty of the same; and to remove or destroy putrid animal or vegetable matter therein; if the person occupying the premises fail to do so upon notice given, the city shall have an action against him.

Nineteenth. To keep clean the side-walks.

Twentieth. To regulate the ringing of bells, and crying of goods, and restrain street hawking and peddling.

Twenty-first. To remove persons having infections or pestilential diseases.

Twenty-second. To direct the keeping and returning of bills of mortality, and provide penalties for the neglect of any person in relation to the same.

Twenty-third. To construct and establish works for furnishing the city with wholesome water, and for that purpose may go beyond the city

May commit to
jail.

SEC. 41. If the penalty or forfeiture upon which judgment is obtained is not paid or replevied, and there are no goods or chattels out of which to make the same, the defendant may be committed to the jail or workhouse for any period not exceeding thirty days.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

May levy tax.

SEC. 42. The common council shall have power to levy and cause to be assessed and collected in each year an ad valorem tax, of not more than three fourths of one per cent. on all property subject to State or county taxation within such city; and also a poll tax, not exceeding fifty cents on every male inhabitant, sane, and not a pauper, of the age of twenty-one years and upwards, residing therein; and also a specific tax on omnibuses, hacks, carriages, or other vehicles used and run for passengers unless the same be licensed; and on each dog owned by a resident of such city of not more than two dollars.

Unknown
owners.

SEC. 43. Where the assessor or his assistants cannot ascertain the name of the owner of any lot or parcel of land, or any person claiming the same, it shall be listed to "owner unknown," and the sale of such lot or parcel of land by virtue of any tax assessed thereon, shall be as valid as if assessed to the true name of the owner or claimant thereof.

Equalization of
assessments.

SEC. 44. The common council shall, within one month after the assessment roll has been returned, as provided in the section defining the duties of assessor, at a stated meeting thereof, hear and decide all complaints in relation thereto, and shall correct and equalize the same. They shall then fix the amount and rate of tax to be levied on property and polls within such city.

Tax duplicates,
and collection
of taxes.

SEC. 45. The clerk, under the direction of the common council, shall proceed to make out the tax duplicate for the current year, and, on or before the first Monday in July of such year, shall deliver the same, with a warrant under the corporate seal, signed by the mayor, and attested by such clerk, attached thereto, to the treasurer of such city, directing him, that of the goods and chattels of all

and every person named in said duplicate, and of all persons whose names may be added thereto by him, he shall cause to be made by distress and sale, if necessary, the amount of tax charged against each and several of said persons on said duplicate; and make return of his doings in the premises by the first Monday in January next following.

SEC. 46. If no goods or chattles can be found, ^{When land may be sold for taxes.} out of which to make the tax charged against any person on such duplicate, the treasurer shall sell any lot or parcel of land, or so much thereof as may be necessary, listed to such person, to pay the tax with costs thereon, and the treasurer's certificate to the purchaser shall state for what tax or taxes said lot or parcel of land was sold.

SEC. 47. All taxes upon real estate shall, from the time the tax duplicate is completed, be a lien ^{Taxes to be a lien on property.} thereon to the same extent as a judgment of a court of record, and shall have preference to all private charges upon the same; and all taxes on personal property shall have preference over all private demands.

SEC. 48. The treasurer shall not be required in ^{Treasurer need not demand taxes.} any instance to make a demand of taxes from the person charged therewith, but may, in his discretion, do so; and if any person charged with a poll tax, or tax on personal property, or any tax on real estate, shall fail when called on to pay the same, it shall be lawful for such treasurer to seize the goods and chattels of such defaulter forthwith.

SEC. 49. The treasurer shall require of each ^{statement of property under oath.} and every person whom the assessor failed to list, a statement of his taxable property, and the value thereof, which shall be given under the same regulations as if furnished the assessor, and for that purpose the treasurer is authorized to administer the necessary oath or affirmation. If such person fail to furnish such statement, the treasurer shall list and value the same as the assessor is required to do in like cases.

SEC. 50. After the first Monday in November, ^{When and how taxes collected.} and before the first Monday in January, annually, the treasurer shall proceed to collect the taxes upon his duplicate, either by seizure and sale of the

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goods and chattels of the owner thereof, or by sale of so much of the lot or parcel of land on which the taxes are levied as may be necessary to pay the same, and all other taxes assessed on the personal property of the owner thereof, together with the costs accrued or to accrue in advertising, selling and conveying such land.

Sale of lots for
taxes.

SEC. 51. In selling lots and parcels of land, the treasurer shall offer the least quantity thereof that any bidder will take and pay the amount of taxes and costs assessed, and he shall make, seal and acknowledge before some competent authority, a certificate of the land thus sold to such person. Before making such sale, the treasurer shall give notice not less than twenty days, in a newspaper published in such city, that on a certain day to be specified, he will offer for sale the lands and lots on which the taxes shall remain unpaid, or so much thereof as may be necessary to pay said taxes and the costs of seizure and sale. If such city is a county seat the sale shall be made at the courthouse door, if not it shall be made at the outer door of the city hall, or other place of meeting of the common council.

Return of sale
and redemption
thereof.

SEC. 52. It shall be the duty of the treasurer, immediately after the sale of any lot or parcel of land, to make return of the same to the clerk of such city, distinctly stating the lot or parcel of land sold, the name of the purchaser, the day of sale, and the amount of taxes and costs for which it was sold, and any owner or claimant thereof, his agent, or attorney may redeem the same upon like terms, and in like manner as the land sold for State and county taxes is redeemed, by payment to the city clerk.

Return and settlement of
treasurer.

SEC. 53. Such treasurer shall, by the first Monday of March in each year, make a return of the tax list and warrant to him, with a full account of his doings thereon, and make final settlement with the common council of such city. Such return shall state specifically the aggregate amount of money collected and received, and the amount remaining unpaid on said duplicate, with the names of the defaulters, and cause of failure to enforce

payment thereof, and shall be verified by the affidavit of such treasurer.

SEC. 54. The treasurer shall be entitled to such allowance as may be made him by the common council, and for collections made by distress and sale, and charges for keeping and removing property distrained, he shall be paid the same fees as are paid to county treasurers for like services. Compensation of treasurer.

SEC. 55. If the common council believe that the public interest would be promoted, it is hereby authorized to certify to the proper county, through the city clerk, on or before the first Monday of July, annually, the percentage by them levied on the real and personal property appraised and returned in the general levy; also all special assessments and specific and poll taxes levied by such board. Common council may employ county treasurer to collect taxes.

The said county auditor shall place the same on the duplicate of taxes for said county, entering in separate columns the kind of tax, and the amount thereof, and designating the same as "corporation tax," which shall be collected by the county treasurer, as other taxes are collected for State and county purposes, with like powers and restrictions.

In the sale of real and personal property, he is hereby authorized and required to act according to the provisions of the law in force for the collection of State and county taxes. The same when collected, shall be paid by such treasurer into the city treasury upon the order of the common council. The auditor and treasurer shall be entitled to the same fees as are allowed them by law for similar services.

SEC. 56. No incorporated city under this act shall have power to borrow money or incur any debt or liability, unless three-fourths of the legal voters shall petition the common council to contract such debt or loan, and for any debt created thereby, the common council shall add to the tax duplicate of each year successively a levy sufficient to pay the annual interest on such debt or loan, with an addition of not less than five cents on the hundred dollars to create a sinking fund for the liquidation of the principal thereof. When may borrow money.

OF STREETS, BRIDGES, AND PUBLIC IMPROVEMENTS.

Laying out and
repairing
streets, &c.

SEC. 57. The common council shall have exclusive power over the streets, highways, alleys and bridges within such city, and to lay out, survey, open, straighten, widen, or otherwise alter the same, to make repairs thereto, and to construct and establish side-walks, crossings, drains, and sewers. They may cause buildings and structures in the way of any street or other public improvement, to be taken down and appropriated, upon the payment of damages as hereinafter provided.

Damages arising under preceding section.

SEC. 58. There shall be appointed by the court of common pleas of the county in which such city is situated, once in each year, upon the application of the common council, five commissioners who shall be freeholders of the city, to appraise the damages or benefits accruing to the owner of any land or lot through which any street is proposed to be constructed or altered, or any building thereon appropriated as provided in the preceding section. Such commissioners shall at the time of their appointment, take and subscribe, an oath or affirmation, faithfully to perform the duties of such commissioners, which shall be endorsed upon or attached to their appointment and filed with the clerk of the city.

Twenty-one days' notice shall be given such commissioners by the common council, through the city clerk, of any appraisement they may require to be made; a like notice shall be given by personal service, or by leaving the same with some person of suitable age, at their reputed places of abode to each of the owners or agents thereof, of lots or land upon or through which the public improvement, or street is proposed to be made. If the owners are unknown, or non-residents, publication of the same in one or more newspapers of the city for two weeks shall be deemed equivalent to such notice.

Powers and duties of commissioners to assess damages.

SEC. 59. Such commissioners, or a majority of them, shall, at the place and time indicated in such notice, proceed to an examination of the real estate proposed to be appropriated as aforesaid, and shall estimate,

First. The expense of the improvement contemplated.

Second. What part thereof, if any, ought to be borne by the city.

Third. What real estate, if any, would be benefitted by the improvement, through, or upon which the same is made, specifying the same in parcels, with the names of the owners, if known, and the proportion of benefit each would receive. They shall view the premises and receive any evidence touching the questions before them, and may, for that purpose, administer oaths to witnesses examined in relation thereto. They shall report upon each of the specifications above indicated, and within three days thereafter file the same with the clerk of the city.

SEC. 60. When such report is filed as in the preceding section required, the common council, if it accepts the terms of the same, shall direct the treasurer of the city to tender to the owner or owners of such real estate, or representative, the damages awarded by such commissioners, or if not found within the city, or the award is not accepted, then the same shall be kept by the treasurer as a special deposit, subject to the order of such owner or representative. Payment of damages.

SEC. 61. If the common council, by a vote of two-thirds of its members, determine to make the appropriation of real estate for such improvements, it shall cause an assessment list to be made by transcribing so much of the reports aforesaid as describes the parcels of real estate to be benefitted by the improvements, with the name of the owner, if known; and the amount of benefit which each would receive thereby, directing such amounts to be assessed upon such parcels of real estate respectively. The assessment list shall resemble in form, as nearly as practicable, the tax list, a copy of which shall be retained by the clerk, and the original delivered to the treasurer. To make out assessment list of real estate to be benefitted by improvements, &c.

SEC. 62. When the owners of two-thirds of the whole line of the lots bordering on any street or alley, in any city, or a part of any street or alley not less than one whole square between any two Two-thirds of owners petitioning for improving street, alley, or sidewalk, work to be let.

streets crossing the same, and measuring only the front line of such lots as belong to owners resident in such city, shall petition the mayor and council to have the side-walks graded and paved, or the whole width of the street graded or graded and paved, or for either kind of improvement, or altogether, as herein specified, the mayor and council shall cause the same to be done by contract, given to the best bidder after advertising to receive proposals therefor.

Contracts
therefor.

SEC. 63. In all contracts specified in the last preceding section, the cost thereof shall be estimated according to the whole length of the street or alley, or the part thereof to be improved per running foot, and the city shall be liable to the contractor for so much thereof only as is occupied by streets or alleys crossing the same, or by public grounds of the city bordering thereon, and the owners of the lots bordering on such street or alley or the part thereof to be improved, shall be liable to the contractor for their proportion of the cost, in proportion to the length of the line of the lots bordering thereon, and owned by them.

Estimates of
work.

SEC. 64. When any such contracts shall be made, and shall be in progress of fulfilment, the mayor and council shall have power to cause estimates to be made from time to time of the amount of work done by the contractor, and to require such amount to be paid to him, deducting a reasonable per centage to secure the completion of the contract, until the whole shall be finished, by the owners of the lots bordering on the street or alley, or the part thereof to be improved in the proportion specified in the next preceding section.

If owners re-
fuse to pay,
amount to be
collected by
suit.

SEC. 65. In case any of the owners of lots shall fail or refuse to pay the amount due by them to such contractors upon any such estimate, as provided for in the next preceding section, said mayor and council shall, at the request of the contractor, proceed to collect the amount so assessed by an action in the name of the corporation against the owner, and to pay the same over to the contractor, and such estimate shall be a lien upon the property assessed until the same is paid.

SEC. 66. The common council may appeal from ^{Appeal,} the decision of the commissioner as set forth in their report, within twenty days from the filing of the same, and any owner of land, or representative thereof, aggrieved by such report, may, in like manner, appeal within the time specified, to the circuit or common pleas court having jurisdiction, upon filing the usual bond with the city clerk for costs.

SEC. 67. When the owner of any such land, or ^{In case owner is an infant, or of unsound mind.} buildings appropriated as aforesaid, shall be an infant or of unsound mind, no proceedings shall be had affecting the rights of such persons until a guardian therefor be appointed by the court of common pleas, and such guardian shall have given security to the satisfaction of such court, for the performance of the trust.

OF THE PREVENTION AND EXTINGUISHMENT OF FIRES.

SEC. 68. The councilmen, by virtue of their ^{Councilmen to be fire-wardens.} office, shall be fire wardens, and as such shall have power, at all reasonable hours, to enter into and examine all dwelling houses, out-houses, lots and yards in their respective wards; to inspect all places therein where fire is used, and ascertain how ashes are kept and disposed of; such examination shall be had at least once in three months.

SEC. 69. The common council shall have power ^{May regulate construction of chimneys, stoves, boilers, &c.} to regulate the construction of chimneys, hearths, ovens, the erection of stoves and stove pipes, boilers and apparatus used in manufactories, and in building, and cause the same to be removed or made secure when considered dangerous; to compel the owners or occupants of houses and other buildings to make scuttles in the roof thereof and stairs or ladders leading to the same.

SEC. 70. The common council may procure fire ^{May procure fire engines &c.} engines, and all other necessary apparatus for the extinguishment of fires, and have the charge and control of the same; and shall provide engine and other houses for their preservation and security; shall organize from reputable citizens, fire, hook and ladder companies, and companies auxillary thereto, and make rules for their government and

regulation, with such penalties for neglect and misconduct as shall be proper. They may remove members of such companies, and appoint others in their stead.

Chief engineer. SEC. 71. The chief engineer shall have the superintendence of the fire department. He shall see that the apparatus for extinguishing fires belonging to the city, is kept in proper order, and from time to time report to the common council the condition of the same; and the repairs, or additions thereto to render the department efficient. He shall appoint a first and second assistant engineers, who shall act under his directions.

Engineer, assistants, &c., to have their names registered. SEC. 72. The engineer and assistants of the fire department, fire warden, firemen, and members of all other auxiliary companies to the fire department, established by the common council, shall have their names registered with the clerk of the city; and his certificate of such registry shall exempt such persons, for the current year, from serving on juries in all courts, and in the militia, except in cases of war, invasion or insurrection.

In case of fire, building may be blown up, and amount of damages therefor. SEC. 73. When any building in the city is on fire, or any building adjacent thereto is likely to take and convey fire to other buildings, to the great destruction of property, it shall be lawful for the chief engineer, or engineer acting as such, with the concurrence of the mayor, or any five councilmen, to take down, blow up or destroy the same; and no action shall be maintained against any person therefor, but the person owning or having interest in such building, may, within three months thereafter, apply in writing, to the common council, to assess the damages sustained thereby; and the common council shall appoint three reputable freeholders to determine the amount of damages done to the property of the complainant, by the destruction of such building; such assessment shall be made under oath and subscribed by the persons making the same, and filed with the clerk of the city within ten days from the date of their appointment. But the complainant or corporation may, within twenty days thereafter, appeal from such assessment to the common pleas or circuit court of

the proper county. The damages awarded by the common council, or by judgment of such court, shall be added to the next annual levy and collected with the general tax, and paid over to such claimant.

GENERAL PROVISIONS.

SEC. 74. All by-laws and ordinances shall, ^{By-laws to be recorded and signed.} within a reasonable time after their passage, be recorded in a book kept for that purpose, and shall be signed by the presiding officer of the council and attested by the clerk. On the passage or adoption of any by-law, ordinance or resolution, the yeas and nays shall be taken and entered of record.

SEC. 75. The common council shall, in their ^{Pay of city officers.} by-laws, provide for the compensation and pay of all the officers of such city, where any is given. If there be a salary attached to any such office, the same shall be payable quarterly, and shall not be diminished during the term of the then incumbent.

SEC. 76. Whenever a petition signed by thirty ^{New wards, how created} or more freeholders, is presented to the common council, praying for the creation of a new and additional ward, and such petitioners are residents and have freeholds within the limits of the proposed ward, and have attached thereto a roll containing an enumeration of the inhabitants thereof verified by affidavit, such council, if they find the proposed ward has the requisite population, and that the petition is genuine, shall submit the question to the voters of the city at the next annual election, by publishing the proposition in the general notice of election; and such question shall be decided by ballot "yes," or "no," as is provided in section six of this act in relation to the incorporation of cities.

SEC. 77. Any city heretofore incorporated under ^{Cities now incorporated may organize under this act.} a law of this State, may, by a resolution of the common council, adopted by a majority vote thereof, and entered upon their record book, become a municipal corporation under this act, but the same shall be deemed a surrender of the charter of such city, with all the rights and franchises therein contained; and no such city shall be entitled to any

CITY CHARTER.

provision in this act without adopting the whole act.

No right, prosecution or suit to be affected by such surrender.

SEC. 78. No rights acquired or liabilities incurred in favor of, or against any city, and no suit or prosecution of any kind pending, shall be affected by the surrender of the charter thereof as provided in the preceding section, but the same shall remain and progress as if no change had been made.

Sinking fund.

SEC. 79. For the purpose of creating a sinking fund, for the gradual extinguishment of the bonds and funded debt of any city coming under this act of incorporation, the council thereof shall annually levy and collect, in addition to other taxes herein provided, not less than one half mill on the dollar, upon the taxable property in such city, which shall be paid into the treasury, and applied by the direction of the common council, to the extinguishment of the bonds and debt aforesaid, and to no other purpose whatever. There shall also be levied and collected annually, an additional tax sufficient to pay the whole interest of the public debt due from such city.

Loans, how and when made.

SEC. 80. Loans may be made by a vote of two-thirds of the common council, in anticipation of the revenue of the current and following year, and payable within that period; but the aggregate amount of such loan in any one fiscal year shall not exceed the levy and tax authorized by this act, for the municipal expenses for the same year.

City limits may be extended.

SEC. 81. Whenever there shall be lots laid off and platted, adjoining such city, and a record of the same is made in the recorder's office in the proper county, the common council may, by a resolution of the board, extend the boundary of such city so as to include such lots; and the lots thus annexed shall thereafter form a part of such city, and be within the jurisdiction of the same. The common council shall immediately thereafter file a copy of such resolution, together with plat and map of survey, defining the metes and boundaries of such addition, in the office of the recorder aforesaid, which plat shall be recorded.

CITY CHARTER.

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SEC. 82. When any city shall desire to annex contiguous territory thereto, not platted or laid off, the common council shall present to the board of county commissioners a petition, setting forth the reasons for such annexation, and shall accompany the same with a map or plat accurately describing by metes and bounds the territory proposed to be attached, which shall be verified by affidavit.

Contiguous territory may be annexed.

Such council shall give thirty days' notice, by publication, in one or more newspapers of the city, of the intended petition, stating in such notice the territory sought to be annexed.

SEC. 83. The board of county commissioners, upon the reception of such petition, shall consider the same, and shall hear the testimony offered for or against such annexation, and if, after inspection of the map, and of all proceedings had in the case, such board is of the opinion that the prayer of the petition should be granted, it shall cause an entry to be made in the order book, specifying the territory annexed, with the boundaries of the same according to the survey, and they shall cause an attested copy of such entry to be filed with the clerk of the circuit court of such county, which shall be conclusive evidence in all courts of such annexation, and the common council shall cause a plat of the annexed territory to be recorded.

Proceedings of commissioners upon such petition.

SEC. 84. Officers of any city coming under this act shall remain and continue in their respective offices, subject to the provisions herein contained, until the annual election next following, and [until] their successors are chosen and qualified.

Officers of cities complying with this act.

All by-laws, ordinances, and regulations not inconsistent with this act, shall remain and be continued in force until altered or repealed by the common council of such city.

SEC. 85. Any member of the city council may be expelled or removed from office by a two-thirds vote of the whole number elected, but not a second time for the same cause. Any officer of such municipal corporation, whether elected or appointed, may be removed by a like vote. The common council shall make provision in their by-laws, as to

Member of city council may be expelled.

the mode in which charges shall be preferred, and a hearing of the same had.

Suits instituted
by city.

SEC. 86. Whenever any suit shall be instituted by such city, it shall not be necessary to aver its corporate organization, or the publication of its by-laws or ordinances, unless the same is controverted by affidavit.

Board of trustees
may perform
duties of
councilmen.

SEC. 87. In those incorporated towns which have a common council instead of a board of trustees in their organization, the duties by this act required to be performed by the board of trustees shall be performed by the common council.

Emergency.

SEC. 88. In consequence of an emergency which is hereby declared to exist, this act shall take effect and be in force from and after its passage.

AN ACT amendatory of the second section of an act for the incorporation of cities, approved June 18, 1852; and for a more economical method of ascertaining the population of such cities, preparatory to the adoption of the provisions of the act herein mentioned, of June 18, 1852.

[APPROVED MARCH 1, 1853.]

When majority
petition, council
may order
marshal to take
the census.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of an act entitled "an act for the incorporation of cities," approved June 18, 1852, which section reads as follows, to-wit: "Whenever one-third of the voters of any incorporated town, so far as the number can be estimated, shall petition the board of trustees thereof to be incorporated as a city, such board, by an order or resolution to that effect entered upon their order-book, shall direct the marshal, by a proper warrant, furnishing him with the necessary forms to take the census of all persons who were residents within the corporate limits of such town at least forty days anterior to the date of such order or resolution," be so amended that the same shall read as follows, to-wit: "Whenever one-third of the voters of any incorporated town, so far as the number can be esti-

mated, shall petition the board of trustees or common council thereof, to be incorporated as a city, such board by an order or resolution to that effect entered upon their order-book, shall direct the marshal by a proper warrant furnishing him with the necessary forms to take the census of all persons who were residents within the corporate limits of such town at least forty days anterior to the date of such order or resolution; *provided, however,* ^{Proviso.} that if it shall appear to said board of trustees or common council, by the last census of this State or of the United States, that said town had three thousand or more inhabitants, said board of trustees or common council shall be at liberty to proceed in all respects as though the said census had been taken in the manner provided in said sections second, third, and fourth, of said act herein mentioned, to adopt the provisions of the said act herein mentioned.

SEC. 2. It is hereby declared that an emergency ^{Emergency.} exists requiring the immediate taking effect of this act and the same is hereby declared to be in force from and after its passage and publication in the State Journal and Sentinel. *

* The foregoing act was published in the Indiana State Sentinel on the 17th day of March, 1853; and in the Indiana State Journal on the 19th day of March, 1853.

AN ACT to amend an act entitled "An act or the incorporation of Cities," approved June 18, 1852.

[APPROVED, MARCH 2, 1853.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section 33 of said act be amended to read as follows: They shall have power to keep open and preserve the course of rivers and streams passing through or bordering upon the corporate limits of any such city; to prevent encroachments or injury to the banks thereof or casting into the same offal, dead animals, logs or rubbish; to regulate ferries across

^{Powers in relation to rivers and streams passing through or bordering upon their corporate limits.}

such streams, designate the kind of boats to be used, the time and place of landing, and the rates of ferriage.

SEC. 2. That the 12th clause of the 35th section of an act for the incorporation of cities, approved June 18, 1852, be amended so as to read as follows:

To preserve
peace and good
order.

What may be
prohibited
without license.

Provided.

Council may
add adjoining
lots to city.

Resolution and
plat to be re-
corded.

Officers to con-
tinue in office
until the expi-
ration of their
term of service.

Twelfth. To regulate and restrain, and if deemed necessary, to preserve peace, good order and morality, to prohibit, without a license being first obtained therefor, the use of coaches, hacks, drays and other vehicles for the transportation of passengers, freight or other articles to or from points within the city for hire or pay; also, all tables, alleys, machines, devices or places of any kind for sports or games kept for hire or pay; also, all inns, taverns, shops or other places used or kept for public entertainment and for the sale of articles to be used in and upon the premises; and also all theatrical and other exhibitions and public shows for which money is demanded and received: *Provided*, that lectures on scientific, historic, benevolent or literary subjects, and the apparatus for the elucidation of the same, and specimens of the fine arts, shall not be deemed within the provisions of this section.

SEC. 3. That section 81 be amended to read as follows: Whenever there shall be, or shall have heretofore been lots laid off and platted, adjoining such city, and a record of the same is made in the recorder's office in the proper county, the common council may, by a resolution of the board, extend the boundary of such city so as to include such lots; and the lots thus annexed shall thereafter form a part of such city, and be within the jurisdiction of the same. The common council shall immediately thereafter, file a copy of such resolution, together with plat and map of survey, defining the metes and boundaries of such addition in the office of the recorder aforesaid, which plat shall be recorded.

SEC. 4. That section 84 of said act be amended to read as follows: Officers of any city coming under this act shall remain and continue in their

respective offices subject to the provisions of this act, until the expiration of the term for which they were elected, and until their successors are chosen and qualified: *Provided*, that this section shall not extend to any office or officer not recognized by the act to which this is an amendment. All by-laws, ordinances and regulations not inconsistent with the act to which this is an amendment, shall remain and be continued in force until altered or repealed by the common council of such city. By-laws not inconsistent to continue in force.

SEC. 5. In consequence of an emergency which is hereby declared to exist, this act shall take effect and be in force from and after its passage. Emergency.

AN ACT authorizing Cities to subscribe Stock in Railroad, Plankroad or Turnpike Companies.

[APPROVED MARCH 1, 1853.]

Be it enacted by the General Assembly of the State of Indiana: SECTION 1. That any city incorporated under special charter, shall have power to subscribe stock in any railroad, plankroad or turnpike company, on being petitioned so to do, by the resident owners of two-thirds of the real estate within such city. May subscribe stock on petition of resident owners of real estate.

SEC. 2. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage and publication in a newspaper at Rising Sun. Emergency.

* The foregoing act was published in the Indiana Republican, a neat paper at Rising Sun, on the 12th day of March, 1853.

ORDINANCES.

AN ORDINANCE making Market Street the Summit Height for Street Improvements.

Be it ordained by the Mayor and Council of the City of New Albany, that hereafter all improvements of streets and alleys running North and South shall be so graded as to lead the water from Market street; thereby leaving market street the summit height.

[PASSED December 17th, 1845.]

AN ORDINANCE making Market Street below Lower Third Street the Summit Height.

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that hereafter all improvements of streets and alleys, north and south below Lower Third street, shall be graded so as to lead the water from Market street, thereby making Market street below Lower Third the summit height.

SEC. 2. That all ordinances or parts of ordinances so far as they conflict with the provisions of this ordinance be and the same are hereby repealed.

[PASSED, June 3d, 1850.]

ORDINANCES.

AN ORDINANCE to define and punish the offence of "Regrating."

Defined.

SEC. 1. Be it ordained by the Mayor and Council of the City of New Albany, that all persons residing in the City of New Albany who shall sell or barter, or offer to sell or barter any Meat, Fruit, Vegetables, Poultry, Butter or Provisions of any description, not of their own raising or production, in the Market House or Market Space of the City of New Albany, during market hours, without having first obtained a *License* as hereinafter provided for, are hereby declared to be guilty of the offence of *Regrating*.

License there-
for.

SEC. 2. That any person residing in the City of New Albany, wishing to sell or barter in the Market or Market Space of the City during market hours, any meat, fruit, vegetable, poultry, or provisions of any description not of their own raising or production are hereby required to obtain a *License* for so doing from the Mayor of said city. *Provided*, however, that no such license shall be granted until the applicant shall have paid into the treasury of said city (if said application is made for one year) the sum of *fifty dollars*; and if for a less term than one year at the same rate.

Penalty.

SEC. 3. That any person or persons who shall be duly convicted of the offence of *Regrating* as defined in the first section of this ordinance shall forfeit and pay to the city of New Albany for each and every such offence any sum not less than three dollars nor more than ten dollars, in the discretion of the proper court.

SEC. 4. That all ordinances now in force coming in conflict with this ordinance be and the same are hereby repealed.

[PASSED July 5th, 1847.]

AN ORDINANCE to amend an ordinance entitled "An Ordinance to define and punish the offence of *Regrating*."

Regrating;

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that any person residing in the City of New Albany wish-

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ing to obtain the license required by the second section of the ordinance to which this is an amendment, shall hereafter be entitled to the same on his payment into the treasury of said city the sum of *ten dollars*; the license to be for the term of one year.

SEC. 2. So much of the ordinance to which this ^{Repeat.} is an amendment as conflicts with the provisions of this ordinance be and the same is hereby repealed.

AN ORDINANCE declaring Lower Seventh Street a "Public Highway."

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that Lower Seventh street from Lower Market to Lower High street, sixty feet wide, be, and it is hereby declared a public highway, except so far as the street is obstructed by a house owned and occupied by Israel Woodruff.

[PASSED August 18th, 1848.]

AN ORDINANCE declaring the Alley between Upper Fifth and Sixth streets from High to Market a Public Highway.

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that the Alley between Upper Fifth and Sixth streets, running from High to Market street in said city, twenty feet wide, be, and the same is hereby declared a public highway.

[PASSED March 4th, 1849.]

AN ORDINANCE to provide for the lighting of the city of New Albany with Gas.

SECTION 1. Be it ordained by the City Council of New Albany, that John Lockwood and his associates, successors, heirs and assigns, be and they are hereby invested with the exclusive privi- ^{Authority to Lockwood, &c}

ORDINANCES.

lege for the term of *twenty years* from the passage of this ordinance, of using the streets, lanes, and alleys, and public grounds of said city as it is now laid out or may hereafter be laid out or enlarged for the purpose of laying down in said streets, &c., pipes for the conveyance of Gas in and through the said city, and to its inhabitants. *Provided*, that the said Gas Pipes shall not interfere with the drainage of said city by the necessary construction of sewers or other underground fixtures for the conveyance of water.

Duties of
Lockwood, &c.

SEC. 2. That whenever the said Lockwood, his associates, successors, heirs or assigns, propose to open any street, lane, alley, &c., for the purpose of laying down Gas Pipes, they shall give thence to the City Marshall, three days notice thereof and shall not during the progress of their work unnecessarily obstruct the passage of such street, lane, alley, &c., and, further, they shall within a reasonable time repair such portions of any street, &c., as they may have broken up, in such manner as will be satisfactory to the Street Commissioner.

Covenant
on part of
Lockwood, &c.

SEC. 3. That in consideration of the privileges granted to said Lockwood, his associates, &c., they shall furnish to the said city upon the several streets, lanes, alleys, &c., in and through which said leading mains may be laid for the purpose of supplying the citizens with gas—such quantities of gas as may be required by the city for public lamps at the same price as shall be paid by the city of Louisville for gas lights for similar purposes, at the time said gas may be required by the said City of New Albany, and provided that for the quantity of light now produced throughout the year at each of the public lamps in Louisville the price shall not exceed what is now paid in the said City of Louisville—the lamp post, metres and lamps to be furnished by and at the expense of the City Council.

Rights of City.

SEC. 4. That if the City Council shall desire at any time to erect lamps at the Engine Houses or other public buildings, or to light any street, lane, alley, &c., and the said Lockwood, &c., shall refuse for a reasonable compensation to extend the

gas pipes as required for such purpose, then the City council shall have the right to extend the same and may provide such number of lamps for the purpose aforesaid as they may deem necessary, and the lamps thus erected shall be supplied by the said Lockwood, &c., with gas, on the terms prescribed in the third section of this ordinance, and the lamps shall be subject to the same regulations as other public gas lamps; and the pipes thus laid down by the city shall not directly or indirectly be used for furnishing gas to individual citizens, nor shall other gas pipes be laid down within the portion of the streets, lanes, &c., occupied by the pipes of the city until the whole amount expended by the city for laying down the same shall have been refunded by the said Lockwood, his associates, &c.

SEC. 5. That the privileges hereby granted are Conditions. upon this condition, that the said Lockwood, his associates, &c., do on or before the first day of December, 1853, complete their works for the manufacture of gas, and lay down in connection therewith seven thousand feet of main or leading pipes for its distribution, and annually thereafter as the demand for gas may justify, to extend the pipes—a temporary failure on the part of said Lockwood, his associates, successors, &c., to perform any of the conditions exacted of them in this ordinance, where such failure is occasioned by accident or untoward events, shall not work a forfeiture of their privileges, *provided* such accident or untoward event be remedied or repaired in a reasonable time.

SEC. 6. This ordinance may be repealed or Repeal. amended at any time before said Lockwood and his associates shall have commenced acting under its provisions.

[PASSED April 7th, 1851.]

AN ORDINANCE to open Upper Seventh street.

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that a street

ORDINANCES.

be and is hereby opened in said city from the north side of Upper High street at a point midway between Upper Fifth and Upper Ninth streets, and to run thence northward parallel with said Fifth street, sixty feet wide, to the city line, and the ground included in said street as above described is hereby declared to be a public highway.

SEC. 2. The City Engineer is directed to survey said street and mark by stakes or stones its boundaries, and to file a plat of it with the City Clerk.

[PASSED March 1st, 1852.]

AN ORDINANCE declaring Upper Seventh street a Public Highway.

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that Upper Seventh street from Market street northward to the city limits, forty feet wide, be and the same is hereby declared a public highway.

SEC. 2. This ordinance to take effect and be in force from and after due publication thereof.

[PASSED September 8th, 1852.]

AN ORDINANCE for the Regulation of the Markets in the City of New Albany, and to repeal all ordinances now in force relating to the same.

Market Days.

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that there shall be a market held at the lower Market house of said city, on every Tuesday, Thursday, and Saturday, throughout the year, and on no other day; and that there shall be a market at the upper Market house on every Wednesday and Friday throughout the year, and on no other day; the market hours to be from daylight in the morning until 8 o'clock, A. M., from the first day of May until the first day of October, and from daylight until 10 o'clock, A. M., from the

first day of October until the first day of May, of each market day.

SEC. 2. It shall be unlawful for any person to buy or sell directly or indirectly, within the city, any article intended for the market aforesaid, between the hour of 4 o'clock in the evening immediately preceding any market day, and the time for commencing the market; or to buy or sell directly or indirectly, within the city, during market hours, any article intended to be distilled, exported or resold; or to sell or offer for sale at said markets any damaged, spoiled or unwholesome provisions; or to sell any article by any other standard of weight or measure than that established by law; or to sell or offer for sale in said markets, any kind of fresh meat, in a less quantity than one quarter, (excepting persons renting inside stalls;) or to slaughter or dress any animal, or to leave any offal, filth or rubbish, in any part of the Market house, or of the space occupied by the markets.

What is Violation.

SEC. 3. Every person using a butcher's stall or block, or any part of the Market house, for cutting or selling meat or fish, shall always carefully wash or cleanse such stall, block or place, immediately after using it for such purpose.

Butcher's Duties.

SEC. 4. From the first day of May to the first day of October, in each year, no fresh meat or fish shall be permitted to remain at the Market houses, after 10 o'clock, A. M., of any market day.

SEC. 5. The Mayor and Council shall, on the second Monday in May annually, and as often at other times as a vacancy may occur, elect a suitable person to act as Market Master, who shall hold his office until the second Monday in May then next, unless sooner removed by the Mayor and Council.

Election of Master.

SEC. 6. The person so elected shall, before entering on his duties, file with the Clerk of the city his bond in the sum of five hundred dollars payable to the city, with security approved by the Mayor and Council, and conditioned for the faithful performance of all his duties as Market master, and that he will pay over to the City Collector and Treasurer, all moneys that he may receive by virtue of his office.

Duties.

ORDINANCES.

Duties of
Market Master.

SEC. 7. It shall be the duty of the Market Master to cause the Market houses to be kept clean, and report to the Mayor and Council, from time to time, such repairs as may be necessary; to cause all wagons and other vehicles brought to the markets to be so placed as best to suit the convenience of venders and purchasers, and not to impede or prevent the free use and passage of the adjacent streets and alleys; to preserve order during market hours; to remove all obstructions from within or about the Market houses; and to cause all offenders against the rules of the markets to be immediately proceeded against in the proper way.

Duties of
Market Master in
renting stalls.

SEC. 8. The Market Master shall annually, on the first market day in August, offer for rent to the highest bidder, each of the stalls, both inside and outside of the two Market houses, and the highest bidder for any stall on the payment of one-fourth the sum so bid to the Market master, and executing his notes or bonds for the remainder in equal installments, with security to be approved by the Market master, payable in three, six, and nine months, with interest from date and without any relief from the valuation and appraisement laws of the State of Indiana, and upon complying with the other requisites of this ordinance, shall have the exclusive right to use and occupy the same until the next annual renting day as above specified.

Renting Stalls.

SEC. 9. The Market master may rent any stall in either Market house, not rented at any renting day last past, for the remainder of the year, the renter paying him in advance for the time for which it is rented; *Provided*, that no inside stall in the west end of said lower Market house shall be thus rented at a less rate than that of twenty-five dollars per annum, or fifty cents by the single day; that no inside stall in the east end of said Market house shall be thus rented at a less rate than the rate aforesaid, unless it be to a vendor of vegetables, in which case the rate shall be not less than ten dollars per annum, or twenty-five cents per day; and that no outside stall in the

lower Market house shall be thus rented at a rate less than six dollars per annum, or twenty cents per day.

SEC. 10. No inside stall in the lower Market ^{Renting Stalls.} house, (save in the east end thereof,) shall be rented or used for selling any other article than fresh or salt meat.

SEC. 11. The Market Master shall receive for ^{Salary.} his services such salary as the Mayor and Council may specify at the meeting at which he shall be elected.

SEC. 12. It shall be unlawful for any person to ^{Offices.} lead, ride or drive any beast, or to convey any wagon or other vehicle into either of the Market houses, or over any part of the space used for the markets; or to fasten any beast to any part of either of the Market houses, or to any of the fixtures or apparatus thereunto belonging; or to befoul or otherwise injure any part of either of the Market houses or their apparatus; or to disobey any lawful order of the Market master relative to the Market or Market houses.

SEC. 13. No person shall occupy or use any ^{Offices.} stall in either of the Market houses, unless he or she has paid rent for it as aforesaid, and affixed his or her name in legible characters on some conspicuous place thereon.

SEC. 14. If any person shall unlawfully sell, or ^{Penalties.} offer for sale, any butter or like article of a false or light weight, the Market master shall, upon the first offence, take into his possession such butter or like article, and forthwith sell the same at public auction, of which, when so sold, three-fourths of the proceeds shall be paid to the owner thereof, and the balance shall be forfeited to the city; and if any person shall commit a like offence a second time, or if any person shall violate any of the preceding provisions of this ordinance, he or she shall forfeit and pay to the City of New Albany, for every such offence or violation, any sum not less than three dollars nor more than thirty dollars, in the discretion of the court having cognizance of the offence or violation.

SEC. 15. All ordinances and parts of ordinances ^{Repeal.}

ORDINANCES.

now in force, coming in conflict with this ordinance, be and the same are hereby repealed.

[PASSED, January 5th, 1852.]

AN ORDINANCE establishing an Evening Market.

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that hereafter there shall be an Evening Market to be held in the market houses of said city on the evening preceding the morning of the days upon which markets are now held, commencing at 3 o'clock, P. M., of said days, during the fall and winter months, and commencing at half past 5 o'clock and terminating at half past 7 o'clock, P. M., during the spring and summer months.

SEC. 2. That said Evening Markets shall be governed in all respects by the rules and usages, laws and ordinances, now in force regulating the markets of said city.

SEC. 3. That all ordinances that are now in force coming in conflict with the provisions of this ordinance, be and the same are hereby repealed.

SEC. 4. This ordinance to take effect and be in force from and after due publication of the same.

[PASSED September 20th, 1852.]

AN ORDINANCE relative to the Vacation of Day's Plat.

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that all that portion of the city of New Albany lying between Vincennes street and the Whitehill Tract, and between the north line of Albany street and the line of the Alley in the Conner Plat, embracing what is known as "Day's Plat, east of the Whitehill Tract," be and the same is hereby declared vacant.

SEC. 2. This ordinance to take effect and be in force from and after due publication.

[PASSED November 3d, 1852.]

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AN ORDINANCE in relation to Sheds, Awnings, and Cross Signs.

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that each and every person owning or occupying property on the line of any of the streets, lighted by Gas, be required to elevate their cross signs, awnings, porches and sheds at least eleven (11) feet, at the lowest point, above the pavement.

SEC. 2. Any person or persons failing to comply with the provisions of this ordinance after reasonable notice from the City Marshal shall be liable to a fine of not less than three nor more than fifty dollars for each and every day they shall so fail—to be recovered before any court of competent jurisdiction.

SEC. 3. This ordinance to be in force from and after due publication.

[PASSED January 3d, 1853.]

AN ORDINANCE to prevent the Violation of the Sabbath Day, or Sunday.

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that it shall not be lawful hereafter for any person or persons to keep open his, her, or their store, grocery, or eating house for ordinary business purposes on the Sabbath Day, or Sunday, within the corporate limits of said city.

SEC. 2. If any person or persons shall violate any of the provisions of this ordinance he, she, or they, so offending shall, upon conviction thereof, forfeit and pay to the City of New Albany, for every such offence, not less than two nor more than fifty dollars, in the discretion of the court having cognizance of the offence.

SEC. 3. This ordinance is to take effect and be in force from and after due publication.

[PASSED September 27th, 1852.]

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AN ORDINANCE declaring the Alley leading from Butler street to Upper Sixteenth street a Public Highway.

SECTION 1. Be it ordained by the Mayor and Council of the City of New Albany, that the Alley leading from Butler street to Upper Sixteenth street, as the same is marked upon Weir and Butler's recorded plat, be and the same is hereby declared a public highway.

SEC. 2. This ordinance to be in force from and after legal publication.

AN ORDINANCE relative to License, &c.

ARTICLE I.

To Regulate the Sale of Liquors, &c.

Shall not sell
without License

SECTION 1. It is ordained by the Mayor and Council of the City of New Albany, that no person shall sell or keep for sale, except for medical purposes, any spirituous or fermented liquor by a less quantity than one quart, or by any quantity to be drank on or about the premises, where sold, without a license therefor.

Application—
how made.

SEC. 2. Application for such a license must be made to the Mayor and Common Council in writing, signed by the applicants, describing the house or premises where the sale is to be licensed, with the number of the lot and name of the street on which it is situated, and be accompanied by a written recommendation signed by twenty-four house-holders of the same ward, that the applicant is of good moral character, and that a license should be granted to him.

Conditions.

SEC. 3. Such application being presented to the Mayor and Common Council at a regular meeting shall be granted on such conditions as they shall think proper. The price to be paid for the license shall not be more than one hundred and fifty dollars, nor less than ten dollars, for a year or shorter period, and shall be fixed when the application is granted.

Bond.

SEC. 4. Before such license is issued the applicant shall deliver to the Clerk the Treasurer's receipt for the price fixed by the Mayor and Common

Council for the license, and the applicant's bond for two hundred dollars payable to the city with security to be approved by the Clerk, conditioned to observe all ordinances in force for the time being concerning such licenses and the persons so licensed.

SEC. 5. Every such license shall contain a de- ^{License.}scription of the house or premises where the sale is licensed and the conditions on which the license is granted.

SEC. 6. If any person having such license shall ^{Prohibition.}give or sell any such liquors to or for any minor under eighteen years of age, or any intoxicated person, or any habitual drunkard; or shall harbor any such minor or intoxicated person, or habitual drunkard, about his premises, or shall sell any such liquors at any other place than that described in his license, or shall suffer any person to drink to intoxication, or shall suffer any gambling, rioting, lewdness, or other disorderly conduct on or about his premises, he shall forfeit for each offence not more than twenty-five nor less than five dollars, and he and his sureties shall be liable therefor on his bond, and the Mayor and Common Council may also declare his license forfeited.

SEC. 7. Every person who shall sell or keep for ^{Penalty.}sale any such liquor without a license as aforesaid, shall forfeit for each offence not more than fifty nor less than ten dollars.

ARTICLE II.

To Regulate Coaches, Cabs, Drays, &c.

SEC. 8. No person shall use any coach, cab, ^{License}omnibus, wagon, cart, or dray, to carry persons or ^{required.}property, for hire, from one place to another in the city without a license therefor.

There shall be paid to the Treasurer for such ^{Amount.}licenses as follows:

For each vehicle drawn by one animal, - -	\$2 00
" " " " two animals, - -	4 00
" " " " three animals, -	5 00
" " " " four do. or more,	10 00

SEC. 9. The person desiring such a license shall ^{License, &c.}deliver to the Clerk the Treasurer's receipt for the ^{Bond.}

ORDINANCES.

price thereof, stating the kind of vehicle to be licensed, and the number of animals by which it is to be drawn, and shall also deliver to him his bond for one hundred dollars, payable to the city, with security to be approved by the Clerk, conditioned for the faithful performance of his duties under the license, and at such prices as the Mayor and Common Council may from time to time establish.

To be Num-
bered.

SEC. 10. The license shall be numbered and state the kind of vehicle to be used under it, the number of animals by which it is to be drawn, and it shall be for one year; but it shall not authorize the use of any vehicle if drawn by a greater number of animals, or if not conspicuously numbered with the same number as the license.

Penalties.

SEC. 11. No person shall be entitled to receive any pay for carrying any persons or property contrary to the provisions of this ordinance.

Penalties.

SEC. 12. If any person shall use any such vehicle contrary to the provisions of this ordinance he shall forfeit for each time he shall so use it, not less than three nor more than twenty-five dollars.

ARTICLE III.

To Regulate Exhibitions Shows, &c.

License
required.

SEC. 13. No person shall exhibit within the city for pay any theatrical or other show or performance without a license therefor, but lectures on and illustrations of the arts and sciences are not within this prohibition.

SEC. 14. The Mayor and Clerk may issue a license for any such show or performance on the payment to the Clerk of not less than three nor more than fifty dollars for every day and night of the exhibition.

Amount.

SEC. 15. Every person who shall exhibit any such show or performance without having such a license shall forfeit not less than five nor more than fifty dollars.

ARTICLE IV.

To Regulate Sales by Auction.

Auction
License.

SEC. 16. No person shall sell any property at auction in this city (except sales by order of some

court, or for taxes, or by executors, administrators, or guardians,) without having a license therefor.

SEC. 17. The person applying for such a license ^{Bond, &c.} shall deliver to the Clerk the Treasurer's receipt for fifty dollars, and the applicant's bond for five hundred dollars, payable to the city, with security to be approved by the Clerk, conditioned for the the due performance of his duties as auctioneer and the due payment of all monies coming to his hands as such. The license shall be for one year.

SEC. 18. If any person shall sell at auction con- ^{Penalties.} trary to the provisions of this ordinance, he shall forfeit and pay for each offence not less than five or more than fifty dollars.

SEC. 19. No person shall within the city cause ^{Penalties.} any bell to be rung to give notice of any such auction, except at the place of sale; and any person violating this section shall forfeit for each offence three dollars.

ARTICLE V.

To Regulate the Keeping of Billiard Tables, &c.

SEC. 20. No person shall keep in the city a ^{Gaming devices.} billiard table, bagatelle table, shuffle board, ten pin alley, or any other gaming device, for gain, without a license therefor.

SEC. 21. Application for such a license is to be ^{License.} made in the same way and granted on the same terms and conditions as are provided in article first of this ordinance, regulating the sale of liquors, &c.

SEC. 22. Every person who shall keep any such table, board, alley, or other gaming device, con- ^{Penalties.} trary to the provisions of this ordinance shall for each offence forfeit not less than twenty nor more than fifty dollars.

SEC. 23. If any person having such license shall ^{Penalties.} harbor any minor or intoxicated person, or suffer any gambling, rioting, or other disorderly conduct on or about his premises, he shall forfeit for each offense not less than five nor more than twenty-five dollars, and he and his sureties shall be liable therefor on his bond, and the Mayor and Common Council may also declare his license forfeited.

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ARTICLE VI.

*General Provisions.*Register of
License.

SEC. 24. The Clerk shall keep a register of licenses granted under this ordinance, showing to whom the same are granted, when granted, how long to continue, the thing licensed to be done, and the amount paid therefor, and by whom received; and he shall forthwith pay over to the Treasurer all monies he shall receive on account of such licenses, except his own and the Mayor's fees.

Fees.

SEC. 25. All licenses shall be signed by the Mayor and attested by the Clerk, and the corporate seal. The Mayor shall be entitled to Fifty Cents for each license issued, and the Clerk to Twenty-five Cents for each license issued and registered, and Fifty Cents for each bond approved under this ordinance.

SEC. 26. This ordinance to take effect and be in force, from and after due publication.

AN ORDINANCE relative to the Measuring, Weighing, Inspecting and Gauging of certain Articles.

The Appointment of Officers.

It is ordained by the mayor and Common Council of the City of New Albany:

Appointment
of Weigher,
Measurer,
Gauger.

SECTION 1. There shall be appointed by the Mayor and Common Council, on the second Monday in May, or as soon thereafter as may be, every year, suitable persons to be measurer of wood for fuel, measurer of lumber, city weigher, inspector of flour, and city gauger, who shall hold their offices until the second Monday in May next ensuing and until their successors are appointed and qualified.

Bond.

SEC. 2. Each of said officers shall take an oath faithfully to perform all the duties of his office, and shall file a bond in the penal sum of two hundred dollars, payable to the city, with security to be approved by the Clerk, conditioned for the

faithful performance of all the duties of his office, before entering upon the performance of such duties.

SEC. 3. Each of said officers shall hold himself ^{Duties.} in readiness at some place where he may conveniently be found by persons requiring his services, and, upon request, at any time between sunrise and sun-set, except upon Sundays, promptly perform any of the duties devolving upon him by virtue of his office; but he may require the fees he would be entitled to for the performance of such services to be paid him in advance.

The Measurement of Wood.

SEC. 4. The Measurer of Wood shall measure ^{Wood Measure-} every load offered for sale for fuel, in the city, and give a certificate of the quantity contained therein in parts of a cord and feet, each cord being divided into eight parts, to the person offering the same for sale. But any person may have his vehicle for hauling wood measured by the Measurer and marked in some conspicuous place with the quantity it will contain when full, which mark may be taken as the quantity it will contain when full, and the contents of such vehicle shall not be required to be measured.

SEC. 5. One hundred and twenty-eight cubic ^{Wood Measure-} feet of wood piled compactly shall constitute one cord, and the Measurer shall be entitled to demand from the persons employing him:

For measuring and marking any vehicle, 50 cents;
For one cord of wood or less quantity, - 10 cents; ^{Fees.}
For each additional cord less than ten, - 5 cents;
For each additional cord more than ten, 3 cents.

SEC. 6. Every person who shall sell or offer to sell, and every person who shall buy for the purpose of being used for fuel in the city, any wood without the same having been measured and a certificate given as aforesaid, or without the vehicle upon which it is hauled being marked as aforesaid, shall forfeit for each offence not less than one nor more than ten dollars. ^{Penalties.}

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*To Weigh Hay and Coal.*Duties of
Weigher.

SEC. 7. The City Weigher shall weigh any hay, stone coal, or other thing presented to be weighed, and shall keep a book and enter therein everything he shall weigh, designating its kind, weight, for whom weighed, and the amount received for his fees; and he shall give the person presenting it a certificate of the net weight of the thing weighed.

Coal and Hay.

SEC. 8. 2,000 lbs. shall be considered one ton of hay or coal, and 76 lbs. shall be considered one bushel of coal; and the weigher shall be entitled to demand from the person employing him—

Fees.

For weighing each load of 1,000 lbs., or less, except of coal, - - - - - 20 cents;
For weighing each load of more than 1,000 lbs., except coal, - - - - - 30 cents;
For weighing each load of coal, less than 1,000 lbs., - - - - - 5 cents;
For weighing each load of coal, more than 1,000 lbs., - - - - - 8 cents;
For weighing each live animal, - - - - 10 cents.

Vehicles to be
Marked.

SEC. 9. The Weigher shall weigh and mark every vehicle used for hauling hay or coal with the number and weight thereof, and thereafter, while such mark remains it shall not be necessary to re-weigh such vehicle; and when the vehicle has not been previously weighed, he shall so note at the bottom of the certificate, and it shall be the duty of the person selling the load on said vehicle to have it weighed after the load is discharged and the net weight ascertained, and if he refuse or neglect so to do, he shall forfeit for each offence not less than three or more than ten dollars.

Penalties.

SEC. 10. Every person selling or offering to sell any hay or stone coal to be used in the city, by a less quantity than a boat load, without having obtained a certificate of the weight from the Weigher, and every person purchasing such hay or coal before such certificate has been made, shall forfeit not less than three or more than fifty dollars.

Testing Scales.

SEC. 11. The City Weigher shall cause the accuracy of the scales used by him to be tested at

least once in every month, and also whenever he may be directed to do so by the Mayor.

The Measurement of Lumber.

SEC. 14. Every person selling lumber in the city shall, if the purchaser require it, cause the same to be measured by the City Measurer of Lumber, who shall cause the same to be assorted and handled for measurement by the owner, or, at his expense, by persons employed by the Measurer. Lumber Measure.

SEC. 15. The Measurer shall give immediate information to the Wharf Master of the amount of wharfage due to the city on all lumber measured by him on which such wharfage may be due and unpaid. Duties of Measurer.

SEC. 16. The Measurer shall give a certificate stating the quantity and quality of any lumber measured by him to the person employing him. Certificate.

SEC. 17. Boards, planks, scantling, and joists, shall be assorted into lengths and laid in separate piles, each thickness of plank there assorted measured separately, and shall be classed as first rate, common and refuse. Classification.

SEC. 18. The first rate shall comprise all boards and planks which contain no knots, are square edged, of equal thickness in all respects sound and free from shakes, and which shall be half heart on the sap side. First Rate.

SEC. 19. The common shall comprise all boards and planks that are sound, free from shakes or large knots, square edged, of equal thickness, and one fourth heart on the sap side; and all scantling and joists which contain no knots, are square edged, of equal thickness, and in all respects sound and free from shakes. Common.

SEC. 20. The refuse shall comprise all boards, planks, joists, and scantling not first rate nor common. Refuse.

SEC. 21. Should boards, plank, joists, or scantling of the two first classes be of unequal width at the ends, they shall be measured at the narrow end and on the sap side, and the Measurer shall make such allowances as are necessary for squaring and straightening them. How Measured.

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How Measured. SEC. 22. Lumber of the refuse class shall be measured on the narrow side and at the middle or average width.

How Measured. SEC. 23. The measurement of all boards, plank, scantling, joists, and squared timber of less dimensions than six inches square shall be by the foot of 144 inches, except one-and-a-quarter-inch plank, which shall be measured as inch plank; and all timber over six inches square shall be measured by lineal measure.

Register. SEC. 24. The Measurer shall keep in a suitable book a register of all lumber measured by him; distinguishing that brought to the city by water, and shall report the quantity so measured to the Council on the first Monday of May in each year, or oftener if required of him.

Fees. SEC. 25. The Measurer shall be entitled to charge the person employing him as follows:

1st. For measuring 1000 feet, or less quantity, of boards, plank, joists, scantling or other pine or poplar lumber not over six inches square, 25 cents.

For more than 1000 and less than 5000 feet, 15 cents per 1000 feet.

For 5000 or more feet, 12½ cents per 1000 feet.

2d. For measuring 1000 cubic feet, or less, of square timber, or logs whether round or square, 50 cents.

For every 1000 cubic feet, or less quantity, after the first 1000 feet, and less than 5000 feet, 40 cents per 1000.

For 5000 or more cubic feet, 30 cents per 1000.

The Inspection of Flour.

Flour Inspection. SEC. 26. The Inspector of Flour shall, upon request, inspect and mark or brand each barrel or half-barrel containing flour of the best quality, "Superfine;" those containing flour of a second quality "Fine;" and those containing flour below the second quality "Middlings;" and he shall be entitled to charge the person employing him three cents for each barrel or half-barrel so inspected and marked.

Fees.

The Guaging of Liquors.

SEC. 27. The city Guager shall provide himself with the necessary and most approved instruments for ascertaining the capacity of a barrel or other cask, and the quality or proof of spirituous or other liquors, and, upon request, shall guage and ascertain the number of gallons contained in any cask of oil, molasses, wine or other liquor, its actual contents in gallons; and shall also, when requested, ascertain the strength and in the same manner mark the degree of strength of the liquor therein contained. Liquor Guaging

SEC. 28. It shall not be lawful to sell any oil, molasses, wine, or spirituous liquor by the barrel or cask, in the city, without the same being first guaged and marked as aforesaid. Unlawful to sell without being guaged.

SEC. 29. The city Guager shall be entitled to charge the person employing him, as follows: Fees.

For guaging and marking a single barrel of oil 15 cents;

For guaging and marking more than 1 and less than 5 after the first, 10 cents each;

For guaging and marking five or more, 8 cents each;

For guaging and marking a single barrel of molasses, 10 cents;

For guaging and marking more than 1 and less than 5 do; 8 cents each;

For guaging and marking five or more do; 6½ cents each;

For guaging and marking a single barrel of wine or other liquor, 10 cents;

For guaging and marking more than 1 and less than 5 do; 7 cents each;

For guaging and marking five or more, do; 5 cents each.

General Provisions.

SEC. 30. Every person who shall alter, deface, or change any certificate given or any of the marks or brands made by any measurer, weigher, inspector, or guager, as provided by this ordinance, or, without being authorized to do so, shall make any such marks or brands on any article or thing, Penalty for defacing Marks or Brands.

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or shall alter any vehicle so that said mark shall not designate its contents correctly, with intent to defraud any person who may purchase an article so marked or whereof the quantity may be so indicated, shall forfeit not less than Three or more than Fifty dollars.

Penalties
against Officers.

SEC. 31. Every officer appointed under this ordinance who shall wilfully give a false certificate of weight or measurement to any person, or shall make any false mark or brand on any article or thing which he is authorized to mark or brand, shall forfeit not less than Fifty or more than One Hundred Dollars for each offence, and the Mayor and Common Council shall forthwith remove every such offender from office and appoint a successor.

Penalties.

SEC. 32. Every person who shall violate any provision of this ordinance, for the violation of which no penalty is elsewhere provided, shall forfeit for each offence, not less than One or more than Twenty-five dollars.

AN ORDINANCE relative to Cemeteries.

It is ordained by the mayor and Common Council of the City of New Albany:

Requirements.

SECTION 1. That no body of a human being shall be buried in the city except in a cemetery established by the Mayor and Common Council.

Trespass.

SEC. 2. No person shall trespass upon any such cemetery, or destroy or injure any grave, vault, tomb-stone, monument, fence, tree, or other thing belonging thereto, or remove or attempt to remove any corpse or dead person without authority.

The Sexton.

Sexton.

SEC. 3. A Sexton shall be appointed by the Mayor and Council on the first Monday in May annually, or whenever a vacancy may happen.

Oath and Bond.

SEC. 4. Before entering upon his duties, the Sexton shall take an oath to perform the duties of his office faithfully, and shall give bond, payable to the city, in the penal sum of One Hundred dol-

lars, with security to be approved by the Clerk, conditioned for the faithful performance of all his duties.

SEC. 5. The Sexton shall be a Police Officer within the limits of a cemetery of which he has charge, and shall arrest any person committing a breach of the peace or trespass in or upon said cemetery, and conduct the person so arrested before the Mayor or other competent tribunal to be dealt with according to law. Duties of Sexton.

SEC. 6. The Sexton shall have charge of the cemetery and shall keep it always in good order—he shall keep the gates or other entrances closed when not required to be open for interments, see that the fences are sufficient and in good repair, and shall at all times promptly perform all the duties devolving upon him on funeral occasions. Duties of Sexton.

SEC. 7. He shall dig all graves less than four feet in length five feet deep, and all graves more than four feet in length six feet deep from the surface of the ground, and shall promptly prepare all things in the cemetery necessary for an interment upon request. Duties of Sexton.

SEC. 8. He shall keep a book for the purpose and enter therein the date of each interment, and the disease or accident by which the death was caused, and the name, age, and residence of the deceased, if known, and the name of the physician, if any who attended the deceased in his last illness; which book shall always, be open for the inspection of the Mayor, any member of the Council, the Board of Health, or any person interested. Duties of Sexton.

SEC. 9. He shall be entitled to charge not exceeding two dollars and twenty-five cents for performing all his duties connected with the interment of each person aged twelve years and upwards, and not exceeding one dollar and fifty cents for each person under the age of twelve years. Fees.

SEC. 10. Any person not appointed and qualified who shall act as Sexton in the city, except when employed as an assistant to the Sexton, and every person who shall otherwise violate any of the provisions of this ordinance shall forfeit not less than Three or more than Fifty dollars. Penalties.

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AN ORDINANCE relative to Public Schools.

It is ordained by the Mayor and Common Council of the City of New Albany:

Board of Superintendents.

SECTION 1. The Mayor and Common Council shall annually appoint five persons to constitute a Board of Superintendents of the Common Schools within the city, who shall hold their offices for one year and until their successors are appointed.

Duties of Board

SEC. 2. Said Board shall appoint one of their number President, and shall perform all the duties required of township trustees under the laws of the State relative to common schools, and a majority of their number shall constitute a quorum to do any business.

Duties of Clerk

SEC. 3. The City Clerk shall be, *ex officio*, the clerk of said board, and shall keep a record of all its proceedings, and perform such other duties as the board may require.

Duties of Treasurer.

SEC. 4. The City Treasurer shall collect all money due for educational purposes within the city and pay out the same upon the orders of said board. He shall also give bond in such an amount and with such security as said board may approve, conditioned for the faithful performance of all the duties required of him by virtue of this ordinance.

Duties of Board

SEC. 5. Said board shall establish and keep open to the extent of the funds applicable for that purpose, a sufficient number of public schools to accommodate all the pupils entitled to have admission thereto.

Duties of Board

SEC. 6. Said board shall have charge of all the public school houses and grounds within the city, and shall make such additions and repairs thereto, and build, purchase or rent such other lots or buildings as they may deem necessary. They shall also provide all necessary fixtures, furniture and fuel for the use of such schools.

Teachers.

SEC. 7. Said board shall appoint all teachers of the public schools and fix their compensation. Said teachers shall hold their stations during the pleasure of the board; and superior qualifications in reference to moral character, literary attainments, industry, and practical skill, shall alone be

considered in their appointment and continuance in office.

SEC. 8. No person shall be admitted into any ^{Teachers.} of the schools or school rooms for the purpose of instructing or addressing the pupils on any subject whatsoever without an order of the board.

SEC. 9. Said board shall have power to make ^{Power and duty of Board.} all necessary rules and regulations for its own organization and for the government of the schools and to enforce the same, and it shall be the duty of the Superintendents either as a board or by one or more of their number to visit each of said schools during school hours at least once every school month.

SEC. 10. As the benefits of such schools can ^{Expulsion of Pupils.} only be conferred upon condition that the pupils will conform to the necessary regulations, the teachers may exclude from their schools those who are obstinately disobedient to the rules established. When any pupil is excluded for such cause, his parents or guardian shall be promptly informed of the fact, and they may appeal to the Board of Superintendents. Upon such an appeal, if the exclusion be approved, such pupil shall not be again admitted into any of the public schools of the city during the current session, unless, upon satisfactory evidence of amendment and proper apologies made, the Board shall make an order that he shall be re-instated.

SEC. 11. Said Board shall as soon as practi- ^{High School.} cable establish a central high school, to which shall be admitted only such pupils as are sufficiently advanced and have given evidence of their attainments and general good character, under such rules as the Board shall prescribe.

SEC. 12. Said Board shall annually make a re- ^{Report to Council.} port to the Mayor and Common Council of all their proceedings during the preceding year, together with a statement of the receipts and expenditures for educational purposes within the city under the common school system, an estimate of the sums required for such purposes during the next ensuing year, the situation of the school funds, the number and names of the teachers employed and their

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salaries, the average number of pupils who have attended each school, a list of the text books used with the number of each, and such other matters as they may deem useful.

Penalty.

SEC. 13. Every person who shall commit any trespass upon or intentionally or carelessly injure any school building, fixture, furniture, lot, fence, or out-house, or any property of an individual or corporation in the vicinity of a public school house or grounds, or shall be guilty of any breach of the peace on or in the vicinity of such school house or grounds, shall forfeit not less than Three or more than Fifty dollars, and if a pupil belonging to such schools shall be expelled by the teacher unless prompt reparation be made for all the damage or injury sustained.

AN ORDINANCE to Levy a Special Tax and Authorize a Loan for School Purposes.

It is ordained by the Mayor and Common Council of the City of New Albany:

Special Tax.

SECTION 1. That a special tax of 25 cents on the one hundred dollars valuation of all taxable property within the city, be levied for the support of the public schools, and for the purchase, building, repairing, hiring and furnishing school houses, and that the city clerk be directed to add the amount of said tax, under the head of "special tax for school purposes" to his duplicate, in an appropriate column.

How Collected.

SEC. 2. It shall be the duty of the City Collector to collect said tax as other taxes are collected, and the proceeds thereof shall be used for no purpose except those designated in the preceding section.

Loan.

SEC. 3. The Mayor and Financial Committee are hereby authorized to negotiate a loan of 7,000 dollars in anticipation of the revenue to be derived from the tax levied under this ordinance for the current and next ensuing year, and to issue bonds for the same, in the name and under the seal of the city, in such amounts as may be convenient, and

payable with interest at any date before the end of the next ensuing year. The proceeds of such loan shall be paid to the Treasurer for school purposes.

AN ORDINANCE for the Prevention of Nuisances.

Nuisances on the Public Ways.

It is ordained by the Mayor and Common Council of the City of New Albany:

SECTION 1. That it shall be a nuisance and unlawful— Nuisances Defined.

1. To suffer any vehicle to remain on any public way so as unnecessarily to interrupt the free passage of other vehicles, or to stand upon any street crossing so as to interrupt the passage of persons on foot.

2. To drive any animal upon any improved side-walk, or to run any vehicle over such side-walk except when it may be necessary to enter a lot or building, in which case the person so using such vehicle shall immediately repair any injury thereby done to the side-walk.

3. To feed any animal on any improved side-walk.

4. To suffer any animal, whether attached to a vehicle or not, to stand on any public way without being properly hitched; or negligently to suffer any animal to run away; or to suffer any animal to be driven upon a public way without being under a proper command, or at a speed greater than at a trot, or in turning the corner of a public way at a speed faster than a walk, or in any manner calculated to endanger the life or property of others.

5. To drag any lumber, timber, or other article calculated to produce injury thereto over or along any public way, or to dig up, take away, or otherwise injure or befoul any earth, stone, gravel, or wood properly belonging to or being part of a public way.

6. To suffer or permit any thing occasioning an obstruction thereto to remain upon any side-walk, which shall occupy more than four feet thereof, or

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Nuisances
Defined.

any stone, brick, earth, ashes, clay, sand, dirt, or filthy substance to remain on any part of a side-walk longer than three hours; *Provided*, that when any articles are necessary for building or for making repairs, the side-walk and one half of the way immediately opposite the lot or place where such improvement is being made may be occupied a reasonable time for such purposes, but no water course shall be obstructed.

7. To fly a kite, roll a hoop, play at ball, or to engage in any other game or diversion calculated to frighten animals, or endanger the safety of persons passing along any public way.

8. To keep any vicious, cross, and dangerous dog, hog, cow, or other animal, and permit such animal to run at large on any public way to the danger or annoyance of persons passing.

9. To beat or otherwise injure any animal on any public way in an immoderate, cruel, or unnecessary manner.

10. To haul earth, sand, gravel, or other substance on any public way, in any vehicle not sufficiently tight, or so loaded as to sprinkle or scatter any such substance on the public way.

Penalty.

Any person violating any of the provisions of this section shall forfeit not less than one or more than fifty dollars.

Nuisances
Defined.

SEC. 2. It shall also be a nuisance and unlawful—

1. To make or keep any cellar door or other entrance to a cellar or basement projecting more than five feet upon any improved side-walk; or without such door or entrance being of sufficient strength and well secured, and closed during the night time so as not to endanger the safety of persons passing along such side-way.

2. To make or keep any side-way or passage leading from any side-walk into any basement, cellar, or building of more than one step in depth, without protecting the same by a substantial and sufficient door or railing to prevent persons from falling into the same.

3. To dig or make any cellar, hole, or pit within five feet of the line of any public way without

effectually securing such public way from danger of being injured by caving or otherwise, or without covering the same or putting up a substantial railing during the night time to prevent persons passing from danger.

Any person violating any of the provisions of ^{Penalty.} this section shall forfeit not less than Five nor more than Fifty dollars.

Nuisances Endangering Public Security.

SEC. 3. It shall also be a nuisance and unlawful: ^{Nuisances}

1. To have or keep any chimney, flue, pipe or ^{Defined.} other passage for the smoke of fires, without the same being kept properly cleaned and so arranged as not to endanger the property of others.

2. To have or so use any furnace, stove, or other fire place in any building without having thereunder a floor or platform of stone, brick, or earth, or of wood covered securely with sheet-iron, tin, zinc or other fire-proof substance.

3. To have or use any stove pipe, or other pipe for the transmission of smoke, passing at any point nearer to any wood or combustible material than three inches, and securely enclosed by earthenware or some incombustible substance at every point or place where it may pass within one foot of any combustible material, and being made to extend at least two and one half feet beyond the roof or side of the building through which it may pass; and no such pipe shall be passed through any building so as to project into a public way, or into the lot or premises of another.

4. To expose or place any combustible materials at or near any building, or use any fire place, stove, oven, grate, pipe, or forge in such manner as to expose the property of another to the danger of taking fire.

5. To have or use any furnace, stove, pot, melter, boiler, or other apparatus for boiling oil, varnish, tar, pitch, turpentine, or for rendering lard or grease in the open air within twenty feet of any building, or in any building standing within one hundred feet of another building without the building in which it is used being secured from fire by

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Nuisances
Defined.

a brick, stone, or ground floor, and securely covering all wood work coming within ten feet of the fire by iron, zinc, tin, brick, stone, or other incombustible substance.

6. To permit any shavings or other combustible materials necessarily produced in work shops or manufacturies, to accumulate in or about any work shop, house, or yard, without collecting and burning them on the evening of every working day, or removing them to some place where the property of others would not be endangered by their taking fire.

7. To have any shavings or other combustibles on any public way within twenty feet of the house or building of another, or, in any case, to set fire to any combustible matter at any time or at any place when and where the property of another may be thereby endangered, or to leave any combustible matter when set on fire unattended before the fire has been entirely extinguished.

8. To put or keep any straw, hay, or fodder in any dwelling house where fire is used for culinary purposes, or within one hundred feet of any such house except in a warehouse, barn or stable.

9. To have or use in any barn or building where hay, straw or fodder is kept, or in any livery or other stable a lighted candle or other light without the same being secured by a horn, glass, or metal lantern.

10. To keep in any one building more than twenty-five pounds of gun-powder, except in a powder house or magazine, or to keep any quantity of gun-powder for sale except in some metallic vessel and having the words "gun-powder" in letters at least three inches long always affixed in some conspicuous place on the house in which it is kept.

11. To discharge or cause to be discharged any fire arms, squibs, bombs, or fire-works of any kind without license being first obtained therefor.

12. To cut, make, deface, injure, or to put any dirty or sticky substance on any house, fence, fixture, tree or growing thing, or any machine, vehicle, or other article being the property of

another, whether the thing thus injured be in or on any public way or private property.

13. To pull down, deface, or injure any sign, or sign-board, hand-bill or advertisement of any kind lawfully posted up. Nuisances
Defined.

14. To injure the gas posts or lamps, or to turn the burners so as to let the gas escape, or put out the lights, or to meddle with the gas pipes, cocks, or fixtures in any way or manner without authority. Penalty.

Any person violating any of the provisions of this section shall forfeit not less than two nor more than fifty dollars.

Nuisances Endangering the Public Health.

SEC. 4. It shall be a nuisance and unlawful: Nuisances
Defined.

1. To bring, cause to be brought, or assist in bringing into the city any person having an infectious or contagious disease.

2. To suffer any water or putrifying vegetable or animal matter, or other nauseous or offensive things, to be and remain in any cellar, or in any house or on any lot or premises.

3. To cast or leave exposed in or on any public way, sewer or water course any dead carcass, any putrid or unsound vegetable matter, or any filthy or offensive matter whatever.

4. To obstruct in any manner or to change the course or depth of any water-course without authority from the Mayor and Common Council.

5. To befoul or injure any cistern, well, pump or other watering place or the water thereof, or to place or cast any substance therein, or to wash any article or water any animal thereat, so that unclean water may run into such well or watering place.

6. To keep any hog or other animal in a pen without such pen being cleansed thoroughly at least once a week between the 1st of April and the 1st of November every year, and without such pen being at all times kept in such condition that no offensive stench will arise therefrom.

7. To keep any privy or other out building in a filthy condition so that an offensive smell will arise therefrom to the annoyance of others.

8. To keep any pen, house building, shed or other

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place to be used for slaughtering thereat or therein, any meat, cattle, hogs, or sheep, or to be used as an oil mill, powder house, soap or candles manufactory, tan yard, or distillery, without a permit being first obtained therefor, from the Mayor and Common Council.

Nuisances Endangering the Public Morals and Good Order.

Nuisances
Defined.

SEC. 5. It shall be a nuisance and unlawful:

1. To be guilty of open lewdness or other acts of indecency in public, by exposure of the naked person, to bathing in public places in the day time, by maintaining and keeping any lewd house for practice of fornication, or to keep a common ill-governed and disorderly house for the encouragement of idleness, gaming, drinking, fornication, or other misbehaviour.

2. To let any male animal to a female in a place where they will be exposed to public view.

3. To make loud and unusual noises in the night time, or to make false alarms by crying "fire."

4. To be found loitering about in the city without some legal occupation or means of support for more than ten days.

5. To make any assault, affray, or riot, or to engage in any riotous or disorderly conduct or occasioning or tending to occasion a breach of the peace.

Penalty.

Any person violating any of the provisions of this section shall forfeit not less than Two nor more than Fifty dollars.

Abatement of Nuisances.

Abatement of
Nuisances.

SEC. 6. When any citizen shall give notice in writing to the City Marshal of the existence or continuance of any thing declared by this ordinance to be a nuisance, the said Marshal shall forthwith repair to the lot or premises designated, and if such nuisance exist, he shall immediately give notice to the occupant or owner, if there be any occupant or owner resident in the city, to abate or have the same removed within such reasonable time, to be designated by the Marshal, as may be required to perform the necessary labor.

If, at the expiration of such designated time the nuisance is not abated or removed, or if there be no resident owner or occupant of such lot or premises, the Marshal shall immediately notify the Street Commissioner thereof, who shall forthwith proceed with a sufficient number of hands and cause the nuisance to be abated.

Abatement of
Nuisances.

As soon as such nuisance shall be abated, the said Commissioner shall present a bill of all the expenses thereby occasioned to such resident owner or occupant, if any there be, and if such bill be not paid within thirty days, the said Commissioner shall present an account of such expenses to the Mayor and Common Council, who shall add ten per cent. thereto and cause the same to be assessed as a special tax upon the lot or premises whereon such nuisance was situated, to be collected as other city taxes are collected, unless for sufficient cause shown, said Mayor and Common Council should otherwise order.

The provisions of this section shall not in any wise interfere with the collection of any penalty imposed by this ordinance.

If any officer shall fail or refuse to perform any duty imposed upon him by this section, he shall forfeit not less than Five nor more than Fifty dollars.

Penalty on
Officers.

General Provisions.

SEC. 7. If any person shall obstruct or attempt to prevent the City Marshal or his deputies, the Street Commissioner or hands employed by him, or any member of the Board of Health from entering any house or premises in the day-time, to ascertain whether or not there is any nuisance in, on or about such house or premises, or to perform any of the duties enjoined by this ordinance, he shall forfeit not less than Five nor more than Fifty dollars.

Penalty for
hindering
Officers.

SEC. 8. The term "public way," when used in this ordinance, shall be interpreted to include all wharves, streets, alleys, side walks, public commons, or grounds and other passages used by the public.

Definition of
Terms.

Definition of
Terms.

The term "vehicle" shall be interpreted to include all carriages, omnibusses, wagons, drays, carts, or other vehicles of pleasure or burthen.

The term "animal," when the kind is not specified, shall be interpreted to include all horses, mules, oxen, or other animals used for riding or draught.

The term "drive" or "driving" shall be interpreted to mean the leading, riding, or conducting in any manner any animal or vehicle.

The term "night time" shall be interpreted to mean the period between sun-set and sun-rise; and the term "day-light," the period between sun-rise and sun-set.

The term "water-course" shall be interpreted to include any ditch, drain, sewer, gutter, or other natural or artificial passage made by public authority for water or other fluid substances.

AN ORDINANCE Defining the Wards.

Be it ordained by the Mayor and Common Council of the City of New Albany:

First Ward.

SECTION 1. That portion of the city lying east of the east side of Upper Sixth street shall constitute the First Ward.

Second Ward.

That portion lying between the west side of Upper Sixth and the east side of Upper Third shall constitute the Second Ward.

Third Ward.

That portion lying between the west side of Upper Third and the east side of State street shall constitute the Third Ward.

Fourth Ward.

That portion lying between the west side of State and the east side of Lower Third or Lafayette street shall constitute the Fourth Ward.

Fifth Ward.

That portion lying between the west side of Lower Third and the east side of Lower Seventh street shall constitute the Fifth Ward.

Sixth Ward.

That portion lying between the west side of Lower Seventh and the western boundary of the city shall constitute the Sixth Ward.

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The lines or boundaries of the above wards Boundaries. shall commence at the Ohio river and run thence northwardly along the streets designated to the city limits.

SEC. 2. This ordinance to take effect and be in When to take effect. force from and after due publication.

AN ORDINANCE for the Protection of the Public Square.

It is ordained by the mayor and Common Council of the City of New Albany:

SECTION 1. That it is necessary for the protec- Offences on Public Square. tion of the trees recently planted, and the improvement of the Public Square between Lower Main and Lower Market streets, in such manner as to render it useful and ornamental, that its public use be, for the present, prohibited; it shall, therefore, be unlawful—

To enter thereon to hold any meeting, or to play at any game or sport.

To climb over, pull down, or any wise injure any part of the fence or enclosure, or to turn any cow, hog or other animal thereon.

To handle, touch, or in any manner interfere with any tree or plant, planted therein, without authority for so doing.

Any person who shall violate this ordinance Penalty. shall forfeit not less than One nor more than Twenty dollars.

SEC. 2. It shall be the duty of the Mayor to Duty of Mayor. cause the first section of this ordinance to be printed in hand-bill form and posted on boards; which boards shall be fastened to posts and set up and constantly kept up in several conspicuous places on said square.

SEC. 3. The Mayor shall also appoint some Keeper Appointed and Duties. suitable person to have constant charge of said square, keep the same in good order, and make such improvements as may be directed by the Mayor and Common Council.

SEC. 4. The Mayor shall also, if he should deem it necessary and expedient, cause a suita-

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ble dwelling house to be erected on some part of said square, for the residence of such person, at a cost not exceeding two hundred and fifty dollars.

Power of
Keeper.

SEC. 5. The person so appointed to have charge of said square shall have all the authority of a police officer, within or upon the same, to arrest any person violating any of the provisions of this ordinance, and to conduct such person before the Mayor or other competent magistrate to be dealt with according to law.

AN ORDINANCE for the Prevention and Extinguishment of Fires.
It is ordained by the Mayor and Common Council of the City of New Albany:

Chief Engineer
Election.

SECTION 1. The Mayor and Common Council shall at their first regular meeting in the month of May, every year, appoint an officer who shall be styled Engineer of the Fire Department, and who shall hold his office for one year and until his successor is elected and qualified.

Vacancy.

SEC. 2. Whenever a vacancy shall occur at any other time, said Mayor and Common Council shall appoint some suitable person to fill said office until their next regular meeting in the month of May.

Oath and Bond.

SEC. 3. Said Engineer shall take an oath and give a bond with security, to be approved by the City Clerk, for the faithful performance of the duties of his office, which bond shall be in the penal sum of Five Hundred dollars.

Duties.

SEC. 4. It shall be his duty, whenever he shall be informed of the existence of any nuisance in or about any building, store, stable, or other out-house, endangering the safety of other buildings, to proceed forthwith and ascertain whether such nuisance does exist, and if so, he shall give notice to the City Marshal, who shall proceed to have the same abated as required by the ordinance relative to nuisances.

Authority and
Duties.

SEC. 5. He shall have authority to enter any house or building, lot, yard or premises, on any week-day, for the purpose of examining the same,

and it shall be his duty to do so whenever he may have reason to believe that any thing exists therein or thereon that may be likely to occasion fires, and if he shall find any fire-place, hearth, chimney, stove, pipe, oven, boiler, kettle, or other apparatus or fixture, so constructed or in such condition as to be likely to occasion fires, he shall direct, in writing, the owner or occupant to remove, alter, clean, or amend the same so as to render it safe, in such manner and within such time as may be proper and reasonable; and if such owner or occupant shall refuse or neglect so to do, such fire-place, apparatus, or fixture shall be deemed a nuisance and he shall give notice thereof to the Marshal.

SEC. 6. It shall also be his duty to attend all ^{Duties.} fires and assume and take control over all the officers of the different engines and fire apparatus, to direct where the different engines shall be stationed, how and where each and every fire, hose, hook and ladder, bucket or other company, with their apparatus, shall be employed, and give, through the officers of the different companies, any and all such orders as he may deem necessary for the extinguishment of fires.

SEC. 7. He shall have authority, when he may ^{Authority and Duties.} deem it necessary to arrest the progress of a fire and prevent it from communicating with other buildings so as to endanger the destruction of a large amount of property, to direct any intervening buildings to be torn down or otherwise destroyed; and he shall give directions as to the manner in which such buildings shall be destroyed, taking all necessary precautions that no more damage be done than is absolutely necessary.

SEC. 8. Before repairing to any fire he shall ^{Duties.} have prepared a badge with the word "Engineer" printed or painted thereon in letters not less than three-fourths of an inch long, which badge he shall attach to his hat, cap, or some conspicuous part of his clothing; and he shall also have several badges with the words "Assistant Engineer" printed or painted thereon in similar letters, which he may distribute to such persons as he may think proper to assist him in the performance of his duties.

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Duties.

SEC. 9. Said persons to whom such badges are distributed, shall also attach them to some conspicuous part of their clothing, and shall return them to the Engineer after the fire shall have been extinguished.

Duties.

SEC. 10. Said Engineer and Assistants, when clothed with their proper badges, shall have authority to require any person present and not attached to any fire company, to work in extinguishing the fire or in aiding to save property from destruction or injury, in such places and in such manner as the said Engineer or Assistants shall direct, and to order all by-standers, who are unemployed, or whose assistance is useless, to remove to such a distance as the said Engineer or Assistants shall prescribe.

Duties.

SEC. 11. Said Engineer and his Assistants shall have all the power of police officers during the continuance of a fire to suppress disturbances, and to arrest any person who may commit any breach of the peace, or any depredation or injury to the property of another, or who shall refuse to obey any order or direction lawfully given by said Engineer or his Assistants, and to conduct the offender before the Mayor or other proper magistrate, or, if necessary, to commit him to the county jail until a hearing can be had.

Penalty.

SEC. 12. Every person who shall refuse to obey any such order or direction of the Engineer or his Assistants, or who shall hinder or obstruct, or attempt to hinder or obstruct them or either of them in the performance of any duty enjoined upon them by this ordinance, shall forfeit not less than One nor more than Fifty dollars.

Penalty.

SEC. 13. If the Engineer or any Assistant appointed by him, shall refuse or neglect to perform any duty herein imposed upon him, he shall forfeit not less than Five nor more than Fifty dollars.

Fees.

SEC. 14. Said Engineer shall receive three dollars for his services at each fire at which he shall have performed his duties, to be paid out of any money in the city treasury not otherwise appropriated.

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AN ORDINANCE for the Election of Mayor and other Officers and Prescribing their Duties.

It is ordained by the Mayor and Common Council of the City of New Albany:

SECTION 1. At the annual election on the first ^{Election.} Tuesday in May, in each year, there shall be elected by the legal voters of the city, a Mayor, Marshal, Clerk, Assessor, Treasurer, Street Commissioner, Engineer, and Attorney, to hold their respective offices until the next annual election and until their successors are elected and qualified.

SEC. 2. In case of a vacancy, occurring at any ^{Vacancy.} other time in the office of Mayor or Clerk, such vacancy shall be filled by a special election, to be ordered by the Mayor and Common Council, if, in their opinion, it shall be expedient or necessary to fill such vacancy before the next annual election. Vacancies in any other of the above named offices shall be filled by the Common Council.

SEC. 3. Before entering upon his office, each of ^{Oath and Bond.} said officers shall take an oath that he will faithfully perform the duties devolving upon him, and shall file with the City Clerk, (except the Clerk, who shall file his bond with the Treasurer) a bond, with security to be approved by the Mayor and Common Council, conditioned for the faithful performance of the duties of his office, and for the prompt payment of all money that may come to his hands by virtue of his office according to law.

SEC. 4. The bond of the Mayor shall be in the ^{Bond.} penal sum of \$3,000, that of the City Treasurer in double the amount of the estimated tax duplicate of the current year, those of the Marshal, City Clerk, and City Attorney, in the sum of \$1,000 each, and those of the City Assessor, City Engineer and street Commissioner, in the sum of \$500 each.

The Mayor.

SEC. 5. It shall be the duty of the Mayor to ^{Duties of Mayor} exercise a general supervision over all the subordinate officers of the city, appoint and remove such officers as he is authorized to appoint and remove by the city charter and ordinances; see that all the

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ordinances be faithfully executed, and perform such other duties as may from time to time be required of him.

Duties.

SEC. 6. He shall hold a court for the hearing of suits, actions, prosecutions, or proceedings founded upon the city charter, or any ordinance, or in which the city may be either plaintiff or defendant, being within his jurisdiction, on Monday morning of each week at the council chamber or such other convenient court room as may be designated by him, and may continue such court from day to day if the business before him requires it; and he may hold such court at any time when there may be any person who is a party to any proceeding before him in jail or in the custody of an officer, or when he may deem it convenient or necessary.

Duties.

SEC. 7. In case of his temporary absence from the city for the space of five days, or of his inability to hold such court from any cause for a like period, he shall cause his docket to be delivered to a Justice of the Peace within the city, who shall have the same power and exercise the same duties pertaining to his office, during such absence or inability.

May Appoint Clerk.

SEC. 8. He may appoint a Clerk to make the entries in his docket and perform other clerical duties pertaining to his office, he being present and responsible for the acts of such clerk.

The Marshal.

Duties of Marshal.

SEC. 9. It shall be the duty of the Marshal:

1. To attend the sitting of the Mayor's Court, and execute and return promptly all process directed to him.

2. To proceed forthwith to any part of the city where there may be any tumultuous assemblage of persons, suppress all riots, disturbances, or breaches of the peace, arrest all persons violating any of the city ordinances in his view, and immediately conduct the offenders before the Mayor or commit them to the county jail, until the sitting of the Mayor's court.

3. To give immediate notice to the City Attorney

of all the violations of any of the city ordinances which may in any manner come to his knowledge.

4. To ascertain the name of the owner or owners of any domestic animal that may have died, and of every person who may have committed or suffered any nuisance to exist upon his premises, or on the public streets or way, and to cause all such nuisances to be removed according to the provisions of the ordinance relating thereto.

5. To perform all other duties lawfully required of him by the city charter and ordinances and by the Mayor, or Mayor and Common Council.

The City Clerk, Treasurer, and Assessor.

SEC. 10. It shall be the duty of the City Clerk: Duties of Clerk.

1. To attend every meeting of the Common Council and keep a fair and correct record of all its proceedings.

2. To notify the members of the Common Council of all special meetings, either personally or through the post-office.

3. To notify all committess appointed by the Council of their appointment and the business referred to them.

4. To notify all inspectors of elections of their appointment, prepare orders for special elections, and give the necessary notices.

5. To prepare all writings or papers that may be necessary for the transaction of any business or proceedings ordered by the Mayor and Common Council.

6. To keep safely, in good order, and so arranged as to be convenient for reference, all the records, books, and papers belonging to the city, and not to permit any of them to be carried out of his office for any purpose, except by himself, the Mayor, or a committee of the Common Council.

7. To have all the ordinances published immediately after their passage, and cause them to be recorded in a book kept for that purpose.

8. To make out correct copies, when required, of all assessment returns, and keep a regular account of debtor and creditor, between the city and Treasurer, by charging him with the amount of

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assessments and giving him credit for all payments made on proper vouchers, which vouchers he shall safely keep for examination.

9. To perform all other duties required of him from time to time by the Mayor and Common Council, by the city charter and ordinances, and such as by custom and usage devolve upon clerks and secretaries of incorporated bodies.

Duties of Assessor.

Sec. 11. The City Assessor shall, before the first Monday in June, each year, make out and deliver to the City Clerk, a full and fair list of all persons and property liable by law to taxation, arranging the names alphabetically, and setting opposite each name, in appropriate columns, the real and personal property assessed with the value thereof. He shall also make out a separate list of such other property as the Mayor and Common Council shall, by ordinance, direct to be specifically taxed.

Duties of Assessor and Clerk.

Sec. 12. Upon such list being deposited with him, the City Clerk shall cause notice to be given by publication for two successive weeks in two newspapers published in the city, if there be two published, that said list has been deposited in his office and may be inspected by all persons concerned, and that all persons who think themselves aggrieved by said assessment may make application for relief at a stated meeting of the Mayor and Common Council, to be held within one month from the time said list was so deposited.

Reduction of Assessment.

Sec. 13. Upon such application being made the Mayor and Common Council may, in their discretion, on proof that the valuation of the Assessor is in any case too high, make a reduction of such assessment, and such corrected assessment shall be entered of record.

Duties of Clerk and Treasurer.

Sec. 14. After the assessments have been thus corrected and on or before the first Monday in July, in each year, the City Clerk shall make out the tax duplicate and deliver the same to the City Treasurer, who shall proceed to collect the taxes charged against each and every person named on said duplicate, according to the provisions of the city charter.

Duties of Treasurer.

Sec. 15. The Treasurer shall keep a register of all sales of real estate in a book to be provided by

him for that purpose, in which he shall enter each lot or tract of land exposed to sale, the precise quantity sold, the amount of taxes and costs the same was sold for, and the purchaser's name, leaving at the end of each line three columns in blank, having a sufficient space to insert the name of the person who may redeem such lot or tract of land, the date of redemption, and the amount of redemption money paid, which book shall always be open for the inspection of any persons interested.

SEC. 16. The Treasurer shall give receipts and certificates of purchase to purchasers at such sales, and if the property therein mentioned is not redeemed according to law, the Treasurer who may be in office when the time for redemption has elapsed, shall execute deeds of conveyance to purchasers or their representatives or assigns, and acknowledge the same as the law requires. Duties of Treasurer.

SEC. 17. The Treasurer shall not be concerned, either directly or indirectly, in the purchase of any property sold for taxes. Treasurer.

SEC. 18. The Clerk and Treasurer shall keep their office open for the transaction of such business as may come before them in their official capacity, from 9 o'clock, A. M., till 4 o'clock, P. M., except upon Sundays and holidays. Clerk and Treasurer.

The Street Commissioner.

SEC. 19. The Street Commissioner shall be responsible for the good condition of the streets and public ways. He shall see that they are kept unobstructed and clean, and that all filth, dead carcasses or other noxious substances are properly and seasonably removed. Street Commissioner's Duties.

SEC. 20. He shall employ the necessary workmen and make such contracts as may be required for the performance of his duties; and he shall dispose of all dirt or other substances gathered and removed at the expense of the city in such manner and in such places as may be directed by the Mayor, or by the committee of the Common Council on streets, wharves, and alleys. Duties.

ORDINANCES.

Duties.

SEC. 21. He shall remove all nuisances situated in any part of the city when notified by the Marshal as provided in the ordinance relative to nuisances, and shall perform such other duties as may be from time to time required of him by the Mayor and Common Council.

Duties.

SEC. 22. He shall report to the Mayor and Common Council every three months, or oftener if required, a full statement of all his official doings, pay to the Treasurer all money collected by him, and suggest to the Mayor and Common Council such improvements as he may think necessary on any street or alley, and the cheapest and best mode of making them.

*The City Engineer.*Engineer's
Duties.

SEC. 23. It shall be the duty of the City Engineer:

1. To superintend the grading, paving, guttering, curbing, McAdamizing, or planking of all streets, alleys, public grounds, drains, sewers, and all other works of a public nature relative to public ways or bridges as he shall be directed by the Mayor and Common Council.

2. To do all the civil engineering required by the Mayor and Common Council for the City, and make such plats and topographical surveys as have been or may hereafter be ordered.

3. To establish or determine according to the plats of the city, when required by any person to do so, the corners of each lot on either of the graded streets or where the grade of the street has been established and fix a stake at each corner on the front of said lot, marking, where the street has not been graded, on said stakes the number of feet or inches the top of said stakes are above or below the established grade, and he shall be entitled to demand and receive from the persons so applying to him, two dollars for each lot so staked and marked.

4. To make surveys and estimates of any contemplated improvements and report the same; and perform such other services and duties pertaining to his office as may be required of him by the Mayor and Common Council.

5. To report to the Mayor and Common Council at least once in every three months, and at any other time when required, the condition of all the public works in progress, and especially all failures and deficiencies of contractors to perform any works according to the stipulations of their contracts.

The City Attorney.

SEC. 24. It shall be the duty of the City Attorney— City Attorney's Duties.

1. To advise the Mayor and Common Council, and the city officers upon such legal questions as may from time to time be referred to him.

2. To commence and prosecute to a final determination the proper suit or action for the violation of any ordinance whenever he shall be informed of such violation, and he shall be satisfied that such suit or action can be supported by the necessary proof; and to that end he shall search diligently for the evidence required and take all proper means for the successful prosecution of such suit.

3. To attend on behalf of the city to all suits, in any court, in which the city may be a party, either as plaintiff or defendant, or in which the city may be in any manner interested, and take all necessary means to protect the interests of the city therein.

4. To perform such other professional duties as may from time to time be required of him by the Mayor and Common Council or by any ordinance.

Penalties.

SEC. 25. Every officer named in this ordinance who shall refuse or neglect to perform any of the duties herein imposed upon him, shall forfeit not less than Five nor more than Fifty dollars. Penalties and Manner of Proceeding.

SEC. 26. It shall be the duty of the City Attorney to prefer charges in writing against any city officer, except himself, who shall fail or neglect to perform any of the duties pertaining to his office, to the Mayor and Common Council, and if the City Attorney shall fail or neglect to perform any of his duties, such charges shall be preferred against him by the Mayor. Manner of Proceeding.

ORDINANCES.

Manner of Proceeding.

SEC. 27. Upon reasonable notice being given to any officer of charges thus preferred against him, the Mayor and Common Council shall proceed to hear the evidence adduced by both parties, and shall then proceed to determine by ayes and noes whether such charges or any of them have been sustained.

Manner of Proceeding.

SEC. 28. If it shall have been determined by the vote of a majority of the members of the Common Council present, that any of such charges have been sustained, the Mayor and Common Council shall then proceed to determine by ayes and noes whether such officer shall be removed according to the provisions of the eighty-fifth section of the Act of the Legislature for the incorporation of cities, approved June 18th, 1852.

Penalty.

SEC. 29. Any person who shall obstruct or attempt to obstruct, delay, or hinder any officer in the performance of his duties, shall forfeit not less than Five nor more than Fifty dollars.

AN ORDINANCE regulating the Wharves and Wharfrage.

Election of Wharf Master.

SECTION 1. It is ordained by the Common Council of the City of New Albany, that there shall be elected for one year, on the third Monday in May in every year, and as often at other times as a vacancy may occur, a suitable person to act as Wharf Master of the city, who, before entering on the discharge of his duties shall take the oath required by law of other city officers, and shall file with the City Clerk his bond in the sum of five hundred dollars, with security to be approved by the Common Council, conditioned for the faithful performance of all the duties of his said office, and for the prompt payment into the city treasury of all monies that may come into his hands as such Wharf Master.

Duties of Wharf Master.

SEC. 2. It shall be the duty of the Wharf Master, to take charge of the several wharves of the city and keep them clear of every unnecessary incumbrance or impediment to the safe and convenient

landing of boats or rafts; to keep said wharves thoroughly cleansed of all dirt, drift-wood, and other obstructions which may from time to time accumulate thereon; to cause any boat or raft to be removed, when lying at any of said wharves in such a position as to prevent the safe and convenient landing or departure of other boats or rafts; to demand and receive such wharfage as he may be directed by the Common Council to charge each boat or raft for using any of the wharves; to commence proceedings, forthwith, by attachment, before the Mayor of the city, against any boat or raft, if the person having it in charge neglect or refuse to pay such wharfage when demanded of him; to take charge and care of all freight that may be landed at any of said wharves for which there may appear to be no owner or consignee, in which case he shall be entitled to charge and receive a reasonable compensation for his services and expenses in taking charge of such freight; and if no owner or consignee appear and claim such freight for three months after it is so landed, the Wharf Master shall advertise and sell the same, and pay the proceeds of such sale into the city treasury, deducting such sum as may be necessary to pay his reasonable charges and expenses in taking care of and selling the same, and file with the City Clerk an exact statement, in writing, of the kind, quantity and quality of such freight, the place from whence it came, if known, the sum for which it was sold, and the expenses charged thereon; *Provided, however*, if such freight be of a perishable nature, the Wharf Master may, if in his discretion it be for the benefit of the unknown owner of such freight, advertise and sell the same, at any time after three days from the time it may have been landed. He shall also do any and all other reasonable duties relative to said wharves, as shall from time to time be required of him by the Common Council.

SEC. 3. If any boat or raft be found lying at any of said wharves, containing stagnant water or offensive matter of any kind, the Wharf Master shall cause it to be cleansed at the expense of the Foul Boats.

ORDINANCES.

boat or raft, and he may attach the same is necessary to recover such expenses.

Rates of Wharf-
age.

SEC. 4. The Wharf Master shall exact from every boat or raft of any kind for using any of said wharves, a wharfage according to the following rate, viz: from each boat or raft discharging or receiving goods or produce on which the charges of such boat or raft amount to ten dollars and less than twenty dollars, the sum of one dollar; from each boat or raft discharging or receiving goods or produce, on which the charges of such boat or raft amount to twenty dollars and less than thirty dollars, the sum of two dollars, from each boat or raft discharging or receiving goods or produce, on which the charges of such boat or raft amount to thirty dollars and less than fifty dollars, the sum of three dollars; from each boat or raft discharging or receiving goods or produce, on which the charges of such boat or raft amount to fifty dollars and less than eighty dollars, the sum of four dollars; from each boat or raft discharging or receiving goods or produce, on which the charges of such boat or raft amount to eighty dollars and less than one hundred dollars, the sum of five dollars, from each boat or raft discharging or receiving goods or produce, on which the charges of such boat or raft amount to one hundred dollars and less than five hundred dollars, the sum of six dollars; from each boat or raft discharging or receiving goods or produce, on which the charges of such boat or raft amount to five hundred dollars and less than one thousand dollars, the sum of seven dollars; from each boat or raft discharging or receiving goods or produce, on which the charges of such boat or raft amount to one thousand dollars and less than fifteen hundred dollars, the sum of eight dollars; from each boat or raft discharging or receiving goods or produce, on which the charges of such boat or raft amount to fifteen hundred dollars and less than two thousand dollars, the sum of nine dollars; from each boat or raft discharging or receiving goods or produce, on which the charges of such boat or raft amount to two thousand dollars or more, the sum of ten dollars; from packet boats landing weekly, one dollar

per week—landing semi-weekly, two dollars per week—landing tri-weekly, three dollars per week; from boats of three hundred tons or less, loading and unloading, the sum of ten dollars; from boats of more than three hundred tons, loading and unloading, the sum of fifteen dollars; from lumber rafts, for landing, one dollar, and five cents per thousand for every thousand feet of lumber therein contained; from salt boats, one-half cent per barrel for every barrel of salt therein contained, allowing them two days to unload; from every steamboat lying at any of said wharves, (except for the purpose of loading or unloading,) for every day or a less time, after the first twelve hours, the sum of one dollar; from every raft or boat not propelled by steam for lying at any of said wharves, (except for the purposes of loading or unloading,) the sum of one dollar for the first day or part of a day, and for every day or less thereafter the sum of fifty cents; and no raft shall be allowed at any time to occupy more than sixty feet in front of any of the wharves.

SEC. 5. If any person shall refuse to pay his wharfage when demanded of him by the Wharf Master or his deputy, or shall refuse to obey any lawful order of said officer, or shall otherwise violate any of the provisions of this ordinance, the person so offending shall forfeit and pay to the city of New Albany any sum not less than five dollars, nor more than fifty dollars in the discretion of the court having cognizance of the offence. Penalty.

JOSEPH A. MOFFETT, Mayor.

AN ORDINANCE to amend an ordinance entitled "An Ordinance relative to Public Schools."

SECTION 1. It is ordained by the Common Council of the City of New Albany, that on the third Monday in May in every year, and as often at other times as a vacancy may occur, the Common Council shall elect three suitable persons, resident house-holders of this City and not members of the Election of Board of Superintendents.

ORDINANCES.

Council, who, together with the Standing Committee on Public Schools and the Mayor of the City, shall constitute the Board of Superintendents of Common Schools within said city, who shall hold their offices for the term of one year and until their successors are elected and qualified.

Mayor Ex-officio President.

SEC. 2. The Mayor of the City shall by virtue of his office be President of said Board, and a majority of the members shall constitute a quorum to do any business.

SEC. 3. So much of the ordinance to which this is an amendment as conflicts with the provisions of this ordinance is hereby repealed.

AN ORDINANCE

To amend an Ordinance entitled "An Ordinance, for the Prevention of Nuisances."

BE It Ordained by the Mayor and common Council of the City of New Albany—

That the 6th clause of the first section of an Ordinance, entitled "an Ordinance," for the prevention of Nuisances, be amended so that the same shall read as follows:

To unnecessarily place or suffer to remain on or over any Public Way of the city, anything that may obstruct the free and convenient use or passage of the same, or to suffer to remain upon or over any side walk of the city—anything occasioning an obstruction thereto longer than three hours, which shall occupy more than four feet thereof, immediately adjoining the premises occupied by the person or persons occasioning the obstruction.

Provided, That all necessary materials to be used in the erection of buildings and making repairs, may be placed for a reasonable time upon the side walk, and one half the street immediately opposite the lot or place upon such improvement is being made, but no water course shall be obstructed.

That all Ordinances now in force and coming in conflict with this amended Ordinance be and the same are hereby repealed.

J. D. KELSO,
Mayor.

State of Indiana, City of New Albany, sec.

I hereby certify that the foregoing Ordinance was regularly and legally passed at a meeting of the Common Council, held on Monday evening, May 21st, 1855.

R. L. WILLIAMS,
City Clerk.

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